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Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Combined fifth and sixth periodic reports of States parties due in 2013

Philippines*

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I. Introduction

1. Further to the information contained in the second, third and fourth consolidated Philippines compliance report to the International Covenant on Economic, Social and Cultural Rights and the Philippines written responses to the list of issues prior to reporting, the Philippine Government wishes to provide the information below.

On domestic application of the Covenant

2. Since the last consideration of the Philippines' compliance report in 2008, several laws have been enacted to promote a more effective implementation of the Covenant at the domestic level, to wit:

- In August 2009, Philippines passed the Magna Carta of Women (Republic Act 9710), a comprehensive women's human rights law that seeks to eliminate discrimination through the recognition, protection, fulfilment and promotion of the rights of women, especially those in the marginalized sectors of society across social, cultural, economic, civic and political spheres. The Magna Carta of Women is national legal framework of the Convention on the Elimination of All Forms of Discrimination Against Women in the Philippines. Its Implementing Rules and Regulations was subsequently issued on 15 September 2010;
- In December 2009, the Anti-Torture Law (Republic Act 9745), was signed prescribing penalties for the crime of torture, ranging from one month to life imprisonment;
- In March 2010, an act amending the Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act 10022) was passed into law to further improve the standards of protection and promotion of the welfare of migrant workers and their families, as well as Filipinos overseas in distress;
- In December 2010, the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity (Republic Act 9851) was enacted;
- In December 2012, the Anti-Enforced Disappearances Act (Republic Act 10353) was signed into law criminalizing the practice of enforced or involuntary disappearances;
- In December 2012, the Responsible Parenthood and Reproductive Health Act of 2012 (R.A. No. 10354) was signed into law; however, its implementation was temporarily restrained by virtue of the order of the Supreme Court;
- In February 2013, the Human Rights Victims Reparation and Recognition Act (Republic Act No. 10368) was signed to provide compensation to the human rights victims during the Martial Law.

3. On training programmes for judges, lawyers and public officials, the Philippine Judicial Academy (PHILJA) continues its mandate to educate and keep justices, judges, court personnel, lawyers and aspirants to judicial posts updated with the country's laws relating to the Covenant. In the past years, the PHILJA has conducted some 400 lectures, trainings, seminar-workshops and dialogues on the various Covenant laws, recipients of which include prosecutors, barangay officials and other stakeholders.

4. As early as 2001, the Supreme Court, through its educational arm, PHILJA, has already conducted the "Philippine Judiciary Workshop on Realizing Economic, Social and

Cultural Rights (2001)". The programme's objectives are to: (a) understand the substance, process and the applicability of international norms on economic, social and cultural rights; (b) examine administrative and judicial processes in the light of basic principles of human rights including State responsibility under the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention of the Rights of the Child; and (c) understand the role of the Judiciary in the application of treaty obligations on ESC rights within the context of the national Constitution.

5. Said programme covered the following topics:

- The International Covenant on Economic, Social and Cultural Rights and Jurisprudence emanating from the International Committee on Economic, Social and Cultural Rights;
- Justiceability of Economic, Social and Cultural Rights;
- The United Nations human rights system: An Overview;
- Role of the Judiciary in the application of ESC rights and the Constitution: Experiences in India and in the Philippines;
- Jurisprudence on Economic, Social and Cultural Rights: European Court and Inter-American Court; Experiences form India and South Africa;
- Development of Administrative Law relative to Economic, Social and Cultural Rights;
- Access to Justice: Transparency, Accountability and Affordability;
- Rights, Obligations and Remedies: International and Domestic Experiences;
- Non-Discrimination and Participation: Gender and Children Issues;
- Social Action Litigation: The Indian Experience, A Philippine Case Study.

6. The Supreme Court lead by then Chief Justice Reynato S. Puno, also held a summit dubbed as "Forum on Increasing Access to Justice: Bridging Gaps and Removing Roadblocks," which was held simultaneously in 3 venues in Luzon, Visayas and Mindanao from June 30 to July 1, 2008, via videoconferencing. The forum found that aside from poverty, exorbitant legal fees and the infrequent use of Tagalog during court hearings also affected judicial access. The Court's "Access to Justice for the Poor Project" continued to be implemented through information, education and communication programmes conducted in 36 municipalities in the 15 poorest provinces, with the assistance of the Department of Social Welfare and Development (DSWD), Department of Interior and Local Government (DILG), the Department of Justice (DOJ) and the Alternative Law Groups Inc. The programme was aimed (a) to enhance the ability of the poor and the vulnerable groups (poor women and children in particular) to pursue justice through their increased knowledge about their basic rights and the Justice System; and (b) to strengthen the justice system to make it more accessible to poor and vulnerable groups.

7. PHILJA has likewise conducted capacity-building seminars for the legal officers of the National Commission of Indigenous People (NCIP). Aside from this, PHILJA continuously include topics related to human rights in its regular and special training programmes, such as the *Implementing Rules and Regulations of the Violence against Women and Children Act (VAWC), Indigenous Peoples Rights Act, Anti-Trafficking in Person Act (R.A. 9208 and its Implementing Rules and Regulations) and Environmental Laws and Procedures* (this is in connection with the Constitutional guarantee of the right to a balanced and healthful ecology), among others.

On decisions of national courts, tribunals or administrative authorities

8. In 2012, the Supreme Court on Hacienda Luisita case decided to redistribute the 6,000 hectare sugar plantation owned by the family of President Benigno Cojuangco Aquino to sugar plantation farmers and to compensate the Cojuangco family at the land prices prevailing in 1989.

The National Human Rights Institution

9. Senate Bill No. 2818 (an Act Strengthening the Functional and Structural Organization of the Commission on Human Rights) is presently at the Senate Committee level. The bill aims to provide the Commission on Human Rights of the Philippines (CHRP), the national human rights institution in the Philippines, a charter that would strengthen its organization and structure with an enhanced mandate and stronger independence. In addition, the bill provides the CHRP with fiscal autonomy, similar with other constitutional bodies. The bill also expands the investigatory power of the CHRP to economic, social and cultural rights, in addition to civil and political rights. A counterpart Bill is also simultaneously being discussed at the House of Representatives of the Philippines.

10. The CHRP-Autonomous Region in Muslim Mindanao Regional Office was established in May 2012.

On Good Governance

11. With the recent approval of the Good Governance and Anti-Corruption Plan by the President, the Philippines is continuing to map out its country action plan to address key open governance and transparency issues. The plan designates government officials to focus on several major result areas, one of which is through the Cabinet Cluster on Good Governance and Anti-Corruption (GGAC). The three pillars of open governance — transparency, accountability, and participation — form the basis of the Plan, with each pillar encompassing action-oriented programmes and representing a commitment to the Open Government Partnership principles at all levels of Government.

12. A memorandum dated 06 August 2012 has been issued to inform concerned national government agencies on the regular monitoring of their respective initiatives based on the GGAC Action Plan (2012–2016) in which a template was prescribed and a deadline was set for the submission of the report every seventh day of the following month.

13. Moreover, the Department of Interior and Local Government (DILG) spearheaded the following projects that aim to fight corruption in the country: (a) Full Disclosure Policy; (b) Seal of Good Housekeeping; (c) Performance Challenge Fund; (d) Civil Society Organization/Private Organization Partnership Programme; (e) Compliance to Anti-Red Tape Act; and (e) Nationwide Streamlining of Business Permits and Licensing System.

On Measures to Enhance Protection of the Right to Life, Liberty and Security

14. On 22 November 2012, a "super body" was created by virtue of Administrative Order (A.O.) No. 35 signed by the President entitled, "The Creation of Inter-Agency Committee (IAC) on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons". The IAC is composed of high level representatives from concerned different government agencies while constitutional bodies like the Ombudsman and the CHRP participated as observers and resource persons.

15. The IAC members adopted the Operational Guidelines wherein the operational definition of extrajudicial killings or extra-legal killings was adopted. The Operational

Guidelines created the special investigation teams composed of composite teams of investigators and prosecutors that will undertake case build-up of human right violations under A.O. No. 35. There will also be special oversight teams that will monitor these cases and special tracker teams that will secure the apprehension of perpetrators and enforcement of warrants of arrests.

II. Information on articles 1, 11, 12, and 15 of the Covenant relative to indigenous peoples

16. The Philippine Government ensures IPs/ICCs rights to ancestral domains. It has continuously and strictly enforced the policy guidelines on Free Prior and Informed Consent (FPIC) required before the commencement of any project, activity or programme within ancestral domains. In order to address previous experiences and gaps in FPIC policy implementation, the FPIC policy was strengthened and streamlined Administrative Order No. 3, series of 2012. Worth noting is that the enhancements involved the participation of the legislative committee on indigenous cultural communities, the National Commission on Indigenous Peoples (NCIP) and IP organizations.

17. Corollary, a Joint Agreement Order (JAO) No. 1, series of 2012 was entered into by the NCIP, DENR and the Land Registration Authority (LRA) to address the concerns on the registration to the LRA of Certificate of Ancestral Domain Titles (CADT) issued by the NCIP. The CADT is the recognition of IPs/ICCs inherent rights to ancestral domains and manifests their native title claim of ownership of their land, territories and existence as peoples with their own IPs/ICCs customary laws, governance systems and institutions and cultural identity since time immemorial. In implementing the JAO, the three concerned agencies have conducted at least four joint mini-conferences in 2013 to level off the agreement with their respective field personnel.

18. Significantly, the NCIP sits as a permanent member of the Mining Industry Coordinating Committee (MICC) and its Technical Working Group (TWG) created under Executive Order No. 79, which provides for the administration's policy direction as regards the mining industry. Under this issuance IPs/ICCs right to FPIC as regard to large scale mining operations is expressly recognized. In relation to Executive Order 79, the NCIP has submitted its inputs to the draft National Monitoring Guidelines in the Observance of Human Rights in the Mining Industry.

19. To address complaints of alleged IP rights violations (IPRV) in ancestral domains that include those linked to mining activities, the NCIP endeavoured to institutionalize a quick response mechanism (QRM) for IPRVs to assist in mitigating the violent effects of IPRVs, facilitate the safety of IPs/ICCs in cases when their lives, ancestral domains and communities are threatened by government projects, anti-insurgency operations, militarization and armed conflict.

20. The QRM involves an inter-agency partnership or Quick Response Team (QRT) with the NCIP at the helm through its QR Units (QRUs). The QRM that covers the NCIP QRUs and inter-agency QRTs are installed at all levels such as at the national/central, regional, provincial, community levels where complaints of IPRVs emanated. The NCIP QRUs involve the IPs/ICCs in ancestral domains so that reported IPRVs can be immediately validated, addressed and communicated to the NCIP Central QRU for data banking and appropriate action. The QRM is also intended to improve coordination between and among major government agencies in order to respond to reports of human IPRVs in ancestral domains within the soonest possible time.

21. In relation to IPRVs, the NCIP has signed a Memorandum of Agreement (MOA) with the Armed Forces of the Philippines for the establishment and operationalization of IP

desks at all levels of the AFP command, units and operations. An initial draft MOA with the DILG and the Philippine National Police (PNP), was discussed and similar undertakings with other government agencies such as the CHRP, the Office of the Presidential Adviser on the Peace Process (OPAPP), Department of Justice (DOJ) among others, continue.

22. Towards ensuring IPs/ICCs rights to social justice, the NCIP's Educational Assistance Programme (EAP) provided assistance to 12,427 elementary, high school and college scholars for the school year 2012–2013. The EAP has also been strengthened to be restructured to become a merit-based scholarship programme. It seeks to provide substantial grants to qualified and deserving IP youth who will serve their communities after graduation.

23. With regard to expanding the Government's social development and poverty reduction agenda, the Department of Social Welfare and Development (DSWD) has made conscious efforts to include IPs/ICCs in their programmes such as the National Community Driven Development Plan (NCDDP). It has conducted an orientation on the NCDDP to NCIP core personnel for better understanding and towards a culture or IP sensitive government poverty-reduction programme.

III. Information under article 2 of the Covenant

24. In keeping with the Government's priority to invest in human capital, the 2013 budget continues to allocate most of its resources to social services. Spending for social services is focused on reducing poverty and the attainment of the Millennium Development Goals (MDGs) by 2015. Furthermore, as indicated in the 2011–2016 Philippine Development Plan (PDP), the administration upholds the country's commitment to achieve inclusive growth, or a growth shared by all. Thus, the Government has been aggressively funding programmes that will directly benefit the poor and vulnerable.

25. For the period 2009 to 2013, the share of the social services sector in the total budget has been expanding from 28.7% in 2009 to 34.9% in 2013. The sector is likewise exhibiting a bigger share of the budget compared to debt service which recorded a 19.4% share in 2009 and 16.6% in 2013 (Table 1).

Table 1
National Government Expenditures, Obligation Basis, By Sector, Per cent Distribution, FY 2009–2013
(Per cent)

PARTICULARS	2009	2010	2011	2012	2013 GAA
ECONOMIC SERVICES	28.07	25.88	23.17	23.68	25.38
SOCIAL SERVICES	28.71	28.23	34.48	33.69	34.87
DEFENSE	4.39	6.22	4.49	4.23	4.46
GENERAL PUBLIC SERVICES	19.03	19.06	19.05	18.14	17.32
NET LENDING	0.35	0.63	1.14	1.31	1.32
DEBT SERVICE	19.44	19.98	17.68	18.95	16.65
TOTAL	100.00	100.00	100.00	100.00	100.00

26. Among the social services sub-sectors, education, culture, and manpower development got the biggest share of the national budget, about 14.6% in 2009 to 16.5% in 2013. This was followed by the social security, welfare and employment sub-sector which recorded an increasing share from 5.3% in 2009 to 8.5% in 2013 and health services from 1.6% in 2009 to 2.9% in 2013 (Table 2).

Table 2
National Government Spending on Social Services, Obligation Basis, Per cent Distribution, FY 2009–2013
(Per cent)

PARTICULARS	2009	2010	2011	2012	2013 GAA	Average
SOCIAL SERVICES	28.71	28.23	34.48	33.69	34.87	32.00
Education, Culture, and Manpower Development	14.55	15.28	16.10	15.89	16.46	15.66
Health	1.63	2.10	2.56	2.98	2.88	2.43
Social Security, Welfare and Employment	5.27	3.31	7.33	8.26	8.45	6.52
Land Distribution (CARP)	0.09	0.27	0.25	0.00	0.25	0.17
Housing and Community Development	0.59	0.49	1.41	0.68	1.16	0.87
Other Social Services	0.13	0.10	0.10	0.12	0.09	0.11
Subsidy to Local Government Units	6.45	6.68	6.72	5.75	5.58	6.23
memo item: Total NG Expenditure	1,434	1,473	1,580	1,758	2,006	

27. For the period 2009–2013, spending for social services has been on an increasing trend, the fastest rate was registered at 31.0% in 2011. In terms of sub-sectors, the average growth for the education, culture and manpower sub-sector registered at 12.1%; the largest increase was recorded in 2013, when it grew by 18.2%. Social security, welfare and employment on the other hand, registered an average growth of 30.4% over the last five years. The largest increase was recorded in 2011 when it grew by 137.7% after experiencing a decline in 2010. The budget for housing and community development had an average growth rate of about 47.1%; it grew the fastest in 2013 after the allocation for the sub-sector has declined substantially in 2012 (Target 3).

Table 3
National Government Spending on Social Services, Obligation Basis Growth Rates, FY 2009–2013
(Per cent)

PARTICULARS	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013*	Average Growth
SOCIAL SERVICES	11.8	1.0	31.0	8.7	18.1	14.1
Education, Culture, and Manpower Development	11.8	7.9	13.0	9.8	18.2	12.1
Health	25.6	32.4	30.7	29.4	10.2	25.6
Social Security, Welfare and Employment	7.6	(35.5)	137.7	25.3	18.7	30.4
Land Distribution (CARP)	(69.1)	213.2	(0.3)	(99.4)	21,639.1	4,336.7
Housing and Community Development	(10.8)	(15.0)	212.6	(46.5)	95.2	47.1
Other Social Services	50.8	(22.4)	10.4	32.3	(10.7)	12.1
Subsidy to Local Government Units	18.6	6.3	8.0	(4.8)	10.8	7.8

28. The total national government spending for social services stood at an average of 5.4% of GDP from 2009 to 2013. By sub-sectors, the budget for education, culture and manpower development as percentage of GDP averaged to 2.6% while the budget for health sub-sector had an average of 0.4%. The budget for the social security, welfare and employment sub-sector as a percentage of GDP averaged at 1.1% for the given period. The housing sub-sector on the other hand, exhibited an average share of about 0.1% of GDP in the same period (Table 4).

Table 4
National Government Spending on Social Services, Obligation Basis
As a percentage to GDP, FY 2009–2013
(Per cent)

PARTICULARS	2009	2010	2011	2012	2013* GAA	Average
SOCIAL SERVICES	5.1	4.8	5.8	5.8	5.9	5.4
Education, Culture, and Manpower Development	2.6	2.5	2.6	2.6	2.8	2.6
Health	0.3	0.3	0.4	0.5	0.5	0.4
Social Security, Welfare and Employment	0.9	0.5	1.2	1.4	1.4	1.1
Land Distribution (CARP)	0.0	0.0	0.0	0.0	0.0	0.0
Housing and Community Development	0.1	0.1	0.2	0.1	0.2	0.1
Other Social Services	0.0	0.0	0.0	0.0	0.0	0.0
Subsidy to Local Government Units	1.2	1.1	1.1	1.0	0.9	1.0
Memo item: Nominal GDP levels in billion pesos	8,026	9,003	9,706	10,565	11,962	

Social Protection

29. The country's Conditional Cash Transfer Programme, also called the Pantawid Pamilyang Pilipino Programme, aims to help poor families to break the intergenerational cycle of poverty. Average monthly cash grants of P1,400 are provided to poor families identified by the National Household Targeting System (NHTS) of the Department of Social Welfare and Development (DSWD). Poor families are entitled to the cash grants subject to compliance of the following conditions: (a) children in the family attend at least 85.0% of their classes, (b) children receive regular immunization; and (c) mothers avail of maternal health care services. For the implementation of the programme in 2013, the Government allotted some P44.3 billion to benefit about 3.8 million households. This is a significant improvement from the number of beneficiaries four years ago at 777,505 households which had an allocation of about P5.0 billion.

30. The *Self-Employment Assistance-Kaunlaran (SEA-K)* is a livelihood and capability building programme that aims to support poor families to establish community-based micro-credit organizations for entrepreneurial development. A total funding support of P1.8 billion has been provided for this programme to benefit 128,355 families in 2013.

31. Another important programme that plays an important role in the Government's efforts for social empowerment is the *Kapit-Bisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services (KALAHI CIDSS)*. This is a community-driven project that enables communities to become active players in local governance. For the last year of its implementation, the project shall be implemented in 3,404 barangays with a budget of P650 million. Given the success of the community-driven development (CDD) approach, the KALAHI CIDSS project will be scaled up into the NCDDP, making it a national strategy for poverty alleviation. For 2014, the programme intends to cover some 11,865 barangays.

32. Another programme intended for the marginalized members of society is the Social Pension for Indigent Senior Citizens. It provides monthly cash assistance of P500 to senior citizens 77 years old and above who do not have regular source of income and do not receive other pension benefits from the Government or other private agencies. For this purpose, P1.5 billion was allocated in 2013 to cover an estimated 232,868 beneficiaries. This is an expansion from the P882 million provided for the programme when it started in 2011. The coverage of the programme was also expanded which was initially intended for 145,150 senior citizens who are 80 years old and above.

33. Table 5 summarizes the allocation for specific programmes for social protection.

Table 5
Allocation for Specific Programmes for Social Protection, GAA Levels
(In million pesos, unless mentioned otherwise)

Particulars	2009	2010	2011	2012	2013
4Ps (CCT)	5,000	10,000	21,194	39,445	44,256
Growth (%)		*100.0*	*111.9*	*86.1*	*12.2*
SEA-K	199	160	-	84	1,797
Growth (%)		*(19.6)*	*(100.0)*	-	*2,030.5*
KALAHI-CIDSS	342	20	2,001	1,325	650
Growth (%)		*(94.1)*	*9,906.6*	*(33.8)*	*(50.9)*
Social Pension for Indigent Citizens	-	-	882	1,227	1,533
Growth (%)				*39.1*	*24.9*

Education

34. The enactment into law of Republic Act No. 10533 or the Enhanced Basic Education Act of 2013 ensures the continuity of the government policy to establish, maintain and support a complete, adequate, and integrated system of education relevant to the needs of the people, and society-at-large. Moreover, the enhanced basic education system aims to put the Philippines at par with international standards. The law upholds the right of every Filipino to 12 years of quality basic education through the K to 12 Education Programme, or Kindergarten and 12 years of basic education. The phased implementation of the K to 12 Programme started in SY 2011–2012 with the implementation of the Universal Kindergarten. This was followed by the introduction of the new Grade 1 and Grade 7 curriculum in SY 2012–2013, while the senior high school education will be implemented beginning SY 2016–2017.

35. Reforms in the education sector continue with the Government's efforts to close the gaps in educational resources, i.e., hiring more and better-trained teachers, building additional classrooms with complete facilities, and more and better learning materials. Spending for basic education facilities has been experiencing double-digit growth from 23.8% in 2010 to 53.9% in 2013.

36. For school building programme, the Government will ensure the construction and rehabilitation of more than 31,000 classrooms and make other school facilities available for students with a total funding of P26.3 billion in 2013. Furthermore, the allocation for the creation of teaching position has exhibited a remarkable improvement from a 25.5% decline in 2010 to 342.7% increase in 2013. The 2013 requirements for textbooks and other instructional materials have also been supported with P1.5 billion allocation for the

procurement of 31.1 million textbooks and teachers' manuals that will complement classroom learning experience and enrich instructors' knowledge-sharing skills.

37. Alongside addressing the resource gaps in the public basic education system, the Government aims to decongest public schools through the provision of grants in private schools through the Government Assistance to Students and Teachers in Private Education (GASTPE). The allocation for GASTPE has also improved throughout the years from 8.1% decline in 2010 to 10.9% increase in 2013. The P6.9 billion allocation for 2013 is intended to support 1 million students (Table 6).

Table 6
Allocation for Specific Programmes for Basic Education, GAA Levels
(In million pesos, unless mentioned otherwise)

Particulars	2009	2010	2011	2012	2013
Basic Education Facilities	4,962	6,142	11,291	16,420	25,268
Growth (%)		*23.8*	*83.8*	*45.4*	*53.9*
DepED School Building Program	2,000	2,000	1,000	1,000	1,000
Growth (%)		*0.0*	*(50.0)*	*0.0*	*0.0*
Textbook Procurement	2,217	2,027	1,778	2,125	1,493
Growth (%)		*(8.6)*	*(12.3)*	*19.5*	*(29.7)*
GASPTE	4,289	3,940	5,830	6,286	6,974
Growth (%)		*(8.1)*	*48.0*	*7.8*	*10.9*
Creation of Teaching Positions	2,597	1,935	2,263	3,463	15,330
Growth (%)		*(25.5)*	*17.0*	*53.0*	*342.7*

Health

38. Support for health services is channelled to key programmes of the sector that aim to provide better access to health facilities, provision of health insurance and the attainment of MDGs. For the provision of healthcare insurance premium subsidies, P12.6 billion has been allocated for the National Health Insurance Programme (NHIP). This programme aims to provide 5.2 million households with premium subsidies to the NHIP. In addition to this, new revenues from the newly enacted Sin Tax Reform Law can augment allocation for the NHIP by P13.6 billion for an additional 5.6 million households in the informal sector.

39. For better access to health facilities, the 2013 national budget has set aside P13.6 billion for the immediate rehabilitation and construction of 2,243 rural health units and 403 district hospitals. This is a sizeable increase from the P5.1 billion provided for the same programme in 2012.

40. With regard to attainment of health-related MDGs, the budget also supports programmes of the Department of Health that will help the achievement of health-related MDGs. Some of these programmes are:

- Doctors to the Barrios Programme – Deployment of 131 doctors, 22,500 nurses, and 4,379 midwives (P2.8 billion);
- Expanded Programme on Immunization – Immunization of 2.6 million children (P1.9 billion).

41. Table 7 presents allocation for specific programmes on the health sector.

Table 7
Allocation for Specific Programmes for Health, GAA Levels
(In million pesos, unless mentioned otherwise)

Particulars	2009	2010	2011	2012	2013
Health Facilities Enhancement Program	2,073	3,252	7,144	5,078	13,558
Growth (%)		*56.8*	*119.7*	*(28.9)*	*167.0*
National Health Insurance Premium	-	-	3,500	12,028	12,612
Growth (%)				*243.7*	*4.9*
Implementation of Doctors to the Barrios and Rural Health Practice Program	73	182	123	1,742	2,779
Growth (%)		*149.0*	*(32.4)*	*1,312.8*	*59.6*
Expanded Program on Immunization	843	991	2,463	1,875	1,950
Growth (%)		*17.5*	*148.6*	*(23.9)*	*4.0*

Housing

42. There have been some major improvements in the allocation for the housing sector over the past four years. From a Php 3.7 billion allocation in 2009, the housing programme received Php 21.8 billion in 2013. The Housing Programme consists of the following: (a) resettlement programme; (b) settlement upgrading; (c) housing resettlement for informal settlers; (d) community mortgage programme; and (e) AFP/PNP housing programme.

43. The abrupt increase in the housing budget from 2010 to 2011 onwards was mainly due to: (a) new allocations for housing resettlement for informal settlers and AFP/PNP housing programme; and (b) increasing allocations for the resettlement programme, settlement upgrading and community mortgage programme.

44. For the current year, the Government is supporting the housing resettlement for informal settlers with Php 10.2 billion. Moreover, the Government has also established a housing project for the low-salaried members of the AFP and the PNP, appropriating Php 5.6 billion.

45. Meanwhile, allocations for resettlement programme and settlement upgrading have increased by 28.7% and 27.8%, respectively, from 2011 to 2012. The community mortgage programme, on the other hand, has been allocated with Php 1 billion under the 2013 budget, a significant increase from the Php 500 million yearly allocation for the programme since 2009 (Table 8).

Table 8
Allocation for Specific Programmes for Housing Programme, GAA Levels
(In million pesos, unless mentioned otherwise)

Particulars	2009	2010	2011	2012	2013
Resettlement Program	3,200	3,230	4,275	5,503	4,882
Growth (%)		*0.9*	*32.4*	*28.7*	*-11.3*
Settlement Upgrading		100	100	128	128
Growth (%)				*27.8*	-
Housing Resettlement for Informal Settlers			10,000 [1]	7,845 [2]	10,201 [3]
Growth (%)				*(23.6)*	*33.4*
Community Mortgage Program	500	500	500	500	1,000
Growth (%)		-	-	-	*100.0*
AFP/PNP Housing Program			4,676	8,514	5,621.7
Growth (%)				*82.1*	*(34.0)*

IV. Information under article 2 and 10 of the Covenant

46. The Philippine legislation worked on the repeal and/or amendments of certain provisions of domestic laws that were perceived to be discriminatory to women. Among these are the following:

- Republic Act (RA) 10151 or An Act Allowing the Employment of Night Workers in 2011 repealed articles 130 and 131 of Labour Code of the Philippines (Presidential Decree 442) which prohibited women from working during night time, thereby expanding their employment or work options;
- Republic Act 10364 or the Expanded Anti-Trafficking in Persons Act of 2012 amended and strengthened the Anti-Trafficking in Persons Act of 2003. The new law expands the list of acts considered as promoting human trafficking to include: (a) destroying or tampering with evidence, (b) influencing witnesses in an investigation, and, (c) using public office to impede an investigation or execute lawful orders. Among the important provisions of the law is the conduct of pre-departure counselling services for Filipinos in intermarriages, to prevent women in intermarriages from being victimized by human trafficking in the guise of marriage. The new law also includes attempted trafficking as a crime punishable with imprisonment of 15 years and a fine of P500,000 to P1 million. It also increases funding for government agencies involved in the fight against human trafficking.

47. Among the priorities under the Women's Priority Legislative Agenda in the fifteenth Congress were the enactments of the bill that will amend or repeal discriminatory provisions in Revised Penal Code (RPC) particularly on the disparity between the penalties imposed on the crimes of adultery and concubinage.

48. To eliminate the disparity between the penalties imposed by existing laws on the crimes of concubinage and adultery and to treat the two crimes as the same acts that constitute marital infidelity, House Bill No. 5734 or the Anti-Sexual Infidelity Bill was

filed and remained pending with the Committee on Rules until the end of the fifteenth Congress. The bill removes the separate definition in the RPC of the crimes of concubinage and adultery and replaces it with the crime of sexual infidelity which is "an act committed by any legally married person who shall have sexual intercourse with another person other than the married person's spouse and by the person who has carnal knowledge with the married person, knowing that person to be legally married, even if the marriage be subsequently declared void". As a punishable act, sexual infidelity in this proposed measure applies only to legally married spouse/couple. And this also provides for the same penalty *(prision correccional)* regardless of who among the spouses committed such punishable act. The same bill was refiled under the sixteenth Congress under House Bill Nos. 405 and 1168.

49. In a parallel effort, the Criminal Code Committee of the Justice Department which was formed in April 2011 is currently drafting the new Criminal Code of the Philippines in order to make the penal laws relevant and meaningful to the people and to improve the administration of justice in the country. In the desire to harmonize provisions and remove discriminatory ones, the Committee is also concerned at the disparity between the grounds and penalties imposed by the RPC on the crimes of concubinage and adultery and thus, will ensure that the gender bias will be removed by providing the same grounds and the same penalties for the act of sexual infidelity.

50. A number of Bills were also filed under the sixteenth Congress with the intent to amend the existing laws that are discriminatory to women. Among the Bills filed in the sixteenth Congress are the following:

- House Bill No. 812 or An Act Amending Chapter 3 of Republic Act 8353, also known as the Anti-Rape Law of 1997 which seeks to redefine the crime of rape by putting the element of "absence or lack of consent" in the core of definition, removing the forgiveness clause in marital rape and increasing the age of statutory rape from 12 to 16;
- House Bill No. 85 or An Act Strengthening the Equal Partnership of Both Wife and Husband in Family Affairs which intends to amend articles 14, 96, 124, 211, and 225 of the Family Code of the Philippines;
- Senate Bill 1260 or An Act Ensuring the Fundamental Equality of Men and Women under the Laws on Marriage and Family Relations which provides equality between men and women on property administration and parental authority over common children. The bill also intends to amend the Family Code;
- Senate Bill 773 or An Act Defining Certain Indications of Psychological Incapacity as a Ground for the Declaration of Nullity of Marriage which also amends the Family Code of the Philippines.

Equal right of men and women to the enjoyment of all economic, social and cultural rights

51. The Philippine Government is finalizing the Women's Empowerment, Development and Gender Equality Plan (Women's EDGE Plan) for 2013–2016 which is the short-term slice of the 30-year Philippine Plan for Gender-Responsive Development (PPGD) for 1995–2025. The Women's EDGE Plan is the companion plan of the Philippine Development Plan 2012–2016. It provides direction to the Government in identifying interventions and strategies addressing gender issues. It operationalizes the MCW through its five strategic goal areas, namely, Women's Economic Empowerment, Women's Social Development Rights, Gender in Security, Justice and Peace, Gender in Environment & Climate Change and Gender-Responsive Governance. The Women's EDGE Plan was

developed in a series of consultations with national government agencies, local government units and non-governmental women's organizations.

Economic rights

52. Since 2006, the Philippines has been implementing the Gender Responsive Economic Actions for the Transformation of Women (GREAT Women) Project, which is a governance and capacity development project that aims to promote and support a gender-responsive enabling environment for women's economic empowerment (WEE), particularly those in the micro enterprises, through policies, programmes and institutional mechanisms that promote and facilitate the growth of women's livelihood and micro enterprises to become small and medium enterprises. The project strategically addresses gender and development issues in enterprise through economic policies, micro enterprise development programmes and services (for example, business registration, social protection, occupational safety and health and environment concerns) in promoting WEE. The project engaged 19 national economic agencies and 6 provincial local government units, 26 municipal local government units and 2 alliances composed of 14 municipal local government units.

53. The GREAT Women Project has achieved significant results contributing to women's enjoyment of their economic rights. At the national level, agencies, issued or enhanced their existing policies, plans and tools to integrate gender perspective. This resulted to improved provision of programmes and services to women micro entrepreneurs (WMEs). These includes the Department of Trade and Industry (DTI) led National Micro, Small and Medium Enterprise Development (NMSMED) Plan (2011–2016) which included provisions on gender mainstreaming and environment sustainability in its programmes on business environment, access to finance, access to markets and productivity and efficiency for micro, small and medium enterprises (MSMEs) nationwide, the Philippine Labour and Employment Plan (PLEP) 2011–2016 recognized the growing need of the informal sector for work-specific occupational safety and health (OSH) interventions, the Expanded Technical Assistance Visit Programme of the DOLE Occupational Safety and Health Centre which ensures that micro enterprises do not only enjoy access to occupational health services but linkage to other relevant service providers (i.e. access to marketing, product development, packaging and labelling, among others).

54. Moreover, the Department of Science and Technology (DOST) has developed an assessment tool to ensure that technologies relevant to MSMEs are women-friendly. The National Health Insurance Corporation (PhilHealth) has approved the *Implementation of the Partial Subsidy Scheme* which prioritizes providing health insurance to WMEs and informal economy workers. *Coverage includes Women Micro Entrepreneurs (WMEs), Small Self-Employed and Underground Economy Workers.*

55. The Department of Environment and Natural resources (DENR) bureaus have likewise ensured the environmental sustainability in enterprises dependent on the environment for raw materials such as its Environmental Management Bureau (EMB) which issued a Memorandum Circular detailing the prioritization of women micro-entrepreneurs in provision of technical assistance and its Forest Management Bureau (FMB) which issued an Administrative Order prescribing the use of the Gender Responsive Environment and Natural Resources Enterprises (GREEn) Kit in the technical assistance for stakeholders.

56. At the local level, the local government unit partners have developed or enhanced policies like the Gender and Development (GAD) Code to address the economic needs of the WMEs. Stemming from the WEE-responsive GAD Codes, local government units issued enabling policies or developed/enhanced economic programmes and services. Some local government units enhanced their Revenue Codes or crafted Investment Codes that

provided special discounts for start-up micro-businesses of WMEs. Eight functional common service facilities (CSFs) were established in project's pilot sites that serve as production areas for WMEs equipped with gender-responsive tools. These were realized through "convergence" with various government agencies at the local level like the DTI, DOST, and DOLE. The other local government unit programmes and services implemented for WMEs included: (a) establishment of micro-enterprise desk offices or units catering to WMEs and other micro entrepreneurs; (b) provision of buildings and facilities to serve as WMEs' production area; (c) provision of one-stop-shop service business and permit licensing system; (d) provision of credit and financial assistance to WMEs; (e) networking and convergence of national government agencies in support of WMEs; (f) conduct of capacity development and trainings on gender and development, enterprise development, product development, packaging and labelling; and, (g) product marketing and promotions. This resulted in improved product quality and design that penetrated wider markets at the local level and in Metro Manila. In effect, WMEs increased their income that enabled them to support household needs and education of their children. The project has impacted more than 8,000 WMEs in 8 GREAT Women project sites.

Social rights

57. The Department of Education (DepEd) data for school year (SY) 2012–2013 in both public and private schools show that females have higher Net Enrolment Rate (NER) than males in both elementary and high school. Elementary NER for females is at 96.3% with males at 94.25% while secondary NER for females is at 70% while males is at 59.49%. On the other hand, elementary completion rate for females is at 78.21% with males at 69.61% while secondary completion rate for females is at 79.92% while males is at 69.77%. DepEd is also addressing the issue of higher male drop-outs in schools, lower performance of boys in national standardized tests, and lower male basic literacy rates through alternative learning systems and re-tooling of teachers to become more sensitive to particular learning styles of boys and girls.

58. Data from the Commission on Higher Education (CHED) show that more females enrol in tertiary education from SY2004–2005 to SY2011–2012. As of SY2011–2012 more women are enrolled in the fields of business administration and related fields, education and teacher training, fine and applied arts, humanities, mass communication and documentation, mathematics and computer science, medical and allied courses, natural science, service trades, social and behaviour science, general courses and home economics. On the other hand, fewer enrol in maritime, religion and theology, and engineering and technology and other traditional male courses.

Cultural rights

59. Mindanao is home to around 27 indigenous cultural communities. The signing of the Framework Agreement on Bangsamoro (FAB) in October 15, 2012 offered an opportunity for the IPs living in the Bangsamoro territory to concretize their agenda in the FAB.

60. To contribute to this outcome, the Philippine Commission on Women (PCW) and the NCIP initiated an IP Women Leaders' Workshop on December 10–12, 2012, to enhance IP women leaders and elders' capacity to articulate, communicate and negotiate the IP agenda in the new Bangsamoro territory. Strengthening communication and negotiation skills of IP women leaders and elders was seen to respond to IP issues and concerns, most especially on eliminating structural barriers on their access and control of government programmes and services. The workshop helped IP leaders articulate their basic human rights and women's rights; identify key women, peace and security elements relevant to their areas as well as identify IP women's agenda in the FAB. The workshop also helped in building IP women/elders' communication and negotiation skills to enable them to claim

their rights and push their agendas in the transition processes of the Autonomous Region in Muslim Mindanao (ARMM) and in the Bangsamoro territory.

V. Information under article 6 of the Covenant

Employment, unemployment, and underemployment

61. As Table 9 shows, the size of the country's labour force grew by 2.232 million – increasing from 38.946 million in July 2010 to 41.178 million in July 2013. This translates to a growth rate of about 2% per year. It breached the 40 million mark in October 2011 when it registered its fastest growth at 4.9% year-on-year. Labour force participation rate was around 64%; this means that six out of every 10 persons of working age (15 years old and over) were either employed or unemployed.

62. The number of employed persons exhibited a generally increasing trend since July 2010. However, the year-on-year growth in employment was highly erratic, almost following a "boom and bust pattern" – with rates ranging from negative 2.3% (October 2012) to 5.7% (October 2011). On the average, employment grew by 2.0% per annum from July 2010 to July 2013. This translates to a net employment gain of 708,000 per year which is below the PDP target of 1 million annual average employment. The highly erratic employment growth over the period accounted for this.

63. On an annual basis, unemployment rate has been on the downtrend from 2010 to 2012 (7.4% to 7.0%). The rates were within the PDP target of 6.8% to 7.2%. On a quarterly basis, except for January 2011 (7.4%), April (7.5%) and July 2013 (7.3%), the rates were likewise within the PDP target. The number of unemployed during the past three years was stuck at around 2.8 million.

64. In 2013, unemployment rate rose, though marginally, for three consecutive survey rounds of the Labour Force Survey exceeding the 7.0% mark: 7.1% in January, 7.5% in April and 7.3% in July. Correspondingly, the number of unemployed persons breached 3 million in April and July 2013 after staying almost stagnant at around 2.8 million for many years. The increase in the number of unemployed persons can be attributed to the higher number of people joining or re-entering the labour force – as the improving economy brought more optimism among jobseekers of their chances in finding jobs.

65. As shown by experiences of other emerging economies it is not unusual for high unemployment even with economic growth. As the economy grows and its structure transforms, employment exhibits volatility as the labour market adjusts-optimism increases among the working age population resulting to more people looking for work. Further, in the course of structural change, jobs are destroyed and new ones are created. But the current skills of the labour force may not be able to match the growing and shifting demand for labour. This may result to increase in unemployment rates at certain points during the transformation process.

66. About half of the unemployed are persons aged 15–24 years old. Their unemployment rate was more than twice the national rate. Nonetheless, youth unemployment rate was on the downtrend, from 17.6% in 2010 to 16.2% in 2012; from 17.3% in July 2010 to 16.8% in July 2013. The low participation of young people in the labour market can be attributed to the fact that the 15–24 age group covers their years of schooling.

Table 9. Employment, Unemployment and Underemployment, Philippines: 2010-July 2013

in thousands except percent

Indicator	2010	2011	2012	2010		2011				2012				2013		
				Jul	Oct	Jan	Apr	Jul	Oct	Jan	Apr	Jul	Oct	Jan	Apr	Jul[p]
Working age population 15+ years old	60717	61882	62985	60928	61169	61531	61778	62053	62164	62682	62842	63114	63303	63720	64090	64468
Labor force	38893	40006	40426	38946	39287	39210	39691	39928	41194	40226	40645	40401	40433	40834	40906	41178
Employed	36035	37192	37600	36237	36488	36293	36820	37106	38550	37334	37842	37555	37670	37940	37819	38175
Underemployed	6762	7163	7514	6502	7141	7050	7127	7095	7381	7018	7313	8565	7160	7934	7251	7341
Unemployed	2859	2814	2826	2709	2799	2917	2871	2822	2644	2892	2803	2847	2763	2894	3087	3002
Labor force participation rate (%)	64.1	64.6	64.2	63.9	64.2	63.7	64.2	64.3	66.3	64.2	64.7	64.0	63.9	64.1	63.8	63.9
Unemployment rate (%)	7.4	7.0	7.0	7.0	7.1	7.4	7.2	7.1	6.4	7.2	6.9	7.0	6.8	7.1	7.5	7.3
Underemployment rate (%)	18.8	19.3	20.0	17.9	19.6	19.4	19.4	19.1	19.1	18.8	19.3	22.8	19.0	20.9	19.2	19.2
Employed by sector																
Agriculture, forestry and fishery	11956	12267	12093	12244	12265	11952	12155	12100	12861	12112	12467	11635	12156	11542	11844	11808
Industry	5399	5530	5743	5408	5375	5264	5619	5629	5608	5516	5860	5907	5692	5867	6085	5969
Services	18682	19394	19764	18585	18850	19074	19045	19376	20082	19708	19515	20015	19822	20531	19889	20398
Employed by class of worker																
Wage and salary workers	19626	20538	21492	19366	19773	19849	20250	20897	21155	20664	21113	22578	21613	22832	21735	22212
- in private establishments	14565	15431	16377	14394	14742	14855	15241	15736	15893	15514	16208	17334	16454	17503	16743	17040
Employer in own family operated farm or business	1394	1354	1335	1388	1400	1318	1297	1301	1499	1308	1245	1451	1338	1340	1145	1287
Self-employed	10858	10994	10626	11138	11035	11030	10904	10941	11101	11025	10959	9901	10619	10191	10812	10821
Unpaid family workers	4157	4306	4147	4346	4280	4096	4369	3966	4795	4337	4525	3624	4100	3576	4126	3856
% of self-employed and unpaid family workers in total employment	41.7	41.1	39.3	42.7	42.0	41.7	41.5	40.2	41.2	41.1	40.9	36.0	39.1	36.3	39.5	38.4
Youth, 15-24 years old																
Labor force	8276	8675	8734	8225	8288	8309	8637	8388	9366	8609	9062	8560	8703	8589	8953	8726
Employed	6816	7258	7322	6806	6910	6883	7201	6890	8057	7206	7611	7106	7363	7162	7466	7257
Unemployed	1460	1417	1412	1419	1378	1426	1436	1498	1310	1402	1450	1455	1341	1427	1487	1469
Labor force participation rate (%)	45.4	46.7	46.1	45.1	45.2	45.0	46.5	45.1	50.1	45.8	48.0	45.2	45.7	44.8	46.5	45.1
Unemployment rate (%)	17.6	16.3	16.2	17.3	16.6	17.2	16.6	17.9	14.0	16.3	16.0	17.0	15.4	16.6	16.6	16.8

p Preliminary.

Source: National Statistics Office, Labor Force Survey.

67. Employment in the industry sector continued to expand, averaging at 3.3%, from July 2010 to July 2013. Its growth outpaced those of services (2.8%) and agriculture, forestry and fishery (0.1%). While industry share to total employment remained the lowest, this has increased from 14.9% in July 2010 to 15.6% in July 2013. Note: The industry sector is comprised of mining and quarrying; manufacturing; electricity, gas and water; and construction.

68. The decline in the proportion of workers in self-employment and unpaid family work was complemented by an increasing share in wage employment particularly in private establishments (more than two-fifths of total employment). These private sector employees also recorded the highest annual growth rates (5.4% in 2010; 5.9% in 2011; and 6.1% in 2012). In January 2013 when employment grew by only 1.6%, wage employment in private establishments recorded its highest growth of 12.8% since July 2010. In the same period, the proportion of workers in vulnerable employment was a low 36.3%.

69. A more serious problem than unemployment, underemployment rate remained high and exhibited more volatility than unemployment rate, fluctuating between the range of 17.9% (July 2010) and 22.8% (July 2012). This means that one in every five employed persons expressed the desire for additional hours of work/job because they were in low-paid employment or due to job mismatch.

70. Unlike unemployment which mainly affects the youth, underemployment cuts across age and sex groups and is particularly pronounced among the less educated workforce and in regions were agriculture is the dominant sector. This implies that while the economy is creating employment, there is still a deficit in its quality. The explanation for high unemployment in spite of economic growth also holds true for the persistently high underemployment. People are encouraged to look for more work but their current skills may not meet the demands of the transforming labour economy.

Employment facilitation programmes and services

71. To address unemployment and underemployment the Philippine Government instituted various programmes and projects among these are several employment facilitation services and programmes that the DOLE oversees and coordinates aimed at easing access of Filipino workers to employment opportunities and alternatives. Being national in scope, the DOLE's employment facilitation programme reaches the poor and marginalized unemployed and displaced workers in the rural areas across the regions.

72. These include the Special Programme for the Employment of Students (SPES), the conduct of Job Fairs, and employment facilitation services of Public Employment Service Offices (PESOs), Private Recruitment and Placement Agencies (PRPAs) and subcontractors.

Special Programme for the Employment of Students (SPES)

73. The SPES is a shared undertaking of the DOLE, CHED, DBM, DSWD, and DOF. As Programme Chair, the DOLE implements, through its network of frontline regional offices, the SPES. The programme reaches out to poor but deserving students pursue their education by augmenting their incomes via temporary employment programmes for a period of 10–15 days during Christmas and a period of 20–52 days during summer vacation for secondary level students and year-round programmes for tertiary, technical or vocational education level for a period of 20–52 working days. Students who participate in the programme are paid wages and salaries not lower than the prevailing minimum wage in the form of educational vouchers and in cash which they may use for school matriculation.

Table 10
Special Programme for Employment of Students (SPES) Placement by Region: 2010–2012

Region	*2010*	*2011*	*2012*
PHILIPPINES	84,786	120,312	138,381
NCR	6,480	11,092	15,441
CAR	3,248	4,310	4,914
I	2,804	4,419	4,869
II	6,925	8,553	10,337
III	7,349	9,073	9,322
IV-A	4,167	11,795	7,898
IV-B	2,574	4,281	6,320
V	3,114	3,611	5,144
VI	9,252	11,459	8,688
VII	9,222	6,361	16,135
VIII	4,234	6,520	9,143
IX	5,622	13,862	9,429
X	2,764	5,755	9,842
XI	6,274	6,962	884
XII	5,822	6,005	7,213
Caraga	6,254	6,254	7,802

74. The number of beneficiaries under the SPES increased following an increase in the SPES budget of around 20%. From 2010 to 2011, the national figure on SPES beneficiaries increased to almost 30% (29.5%), and 13.1% from 2011 to 2012. As Table 10 shows, the highest number of beneficiaries was recorded in Regions VI IX and VII in 2010, 2011 and 2012, respectively.

Job Fairs

75. The DOLE conducts nationwide Job Fairs all-year round. This includes the annual Labour Day Jobs Fairs during May 1 of every year as well as regular job fairs conducted by DOLE regional offices. It brings jobseekers and domestic and overseas recruiters and employers under one roof at a specific time, date and place and greatly reduces cost, time and effort particularly on the part of jobseekers. It supports the Department's anti-illegal recruitment campaign by enabling jobseekers' access to legitimate employers and licensed recruitment agencies.

76. Apart from employment facilitation, other government convergent services offered during Jobs Fairs include employment information assistance, employment enhancement such as training referrals, self-employment assistance as well as welfare services for Filipino migrant workers.

Public Employment Service Offices (PESOs)

77. Employment facilitation services are also provided by a network of Public Employment Service Offices (PESOs) nationwide. The PESO is a non-fee charging multi-employment service facility established pursuant to Republic Act 9759. They are present in capital towns of provinces, key cities and other strategic areas. They are maintained largely

by local government units, a number of non-governmental organizations and community-based organizations and State universities and colleges. The PESOs are linked to the regional offices of the DOLE for coordination and technical supervision. As of May 2013, a total of 1,835 PESOs were established all over the country.

78. The PESOs offer the following services: Job Fairs, Livelihood and Self-employment Bazaars, Special Credit Assistance for Placed Overseas Workers, employment of students and out-of-school youth, Work Appreciation Programme to instil work values and ethics to the young, Workers Hiring for Infrastructure Projects which implements Republic Act 6685, the law that mandates that 30% of skilled workers and 50% of unskilled labour requirements are sourced from the areas where government-funded infrastructure projects are being implemented.

Private Recruitment and Placement Agencies (PRPA) and Subcontractors

79. Employment facilitation services are done with the private sector the PRPAs. It peaked in 2011, registering a growth rate of 31.1% from 2010 and dropped by 39.5% from 2011 to 2012.

80. Job placement by service contractors and subcontractors, as allowed under the Philippine Labour Code, is predominant in Regions IV-A, NCR and XII. This can be attributed to the fact that IV-A and NCR are highly urbanized centres with large business enterprises in the region requiring short-term employment. Region XII, on the other hand, is booming and business activity, particularly in Cagayan de Oro, is flourishing.

DOLE Integrated Livelihood Programme (DILP)

81. The DOLE Integrated Livelihood Programme (DILP) is agency's response to the Government's thrust to reduce poverty, specifically in reducing unemployment and underemployment through specifically targeted measures. It is designed to transform livelihood undertakings into community enterprises through convergence of services. It also envisions productive, gainful and secure community employment to disadvantaged and vulnerable workers in the informal economy.

82. It aims to promote livelihood and entrepreneurship activities among the *disadvantaged/unemployed workers* which include workers in the informal economy engaged in small livelihood undertakings, such as ambulant vending or peddling, driving and operating tricycle or pedicab, small construction works, home-based works, farming, fishing and providing ambulant services and other vulnerable group of workers that include the out-of-school youth, out-of-work women, persons with disability, indigenous peoples, parents of child labourers, displaced workers and older persons; *community groups* consisting of unemployed and underemployed persons in communities (cluster of barangays/municipalities) with high poverty incidence; and *low-wage workers* seeking to augment their income.

83. Since its inception in 2008 until 2012, the DILP has benefited 453,414 clientele.

Tulong Alalay sa Taong May Kapansanan (TULAY) Project

84. The *Tulong Alalay sa Taong May Kapansanan (TULAY)* Project is being implemented by DOLE through its Regional Offices nationwide to cater to persons with disabilities (PWDs). The programme aims to assist in the integration of PWDs into the society by providing them access to training and employment opportunities both in the formal and informal sector.

85. For the informal sector, PWDs who are inclined towards self-employment shall be encouraged to set up their own self-employment projects either individually or in group.

Technical as well as financial assistance shall be extended to them through the DOLE Integrated Livelihood Programme (DILP) and convergence of programmes and services with other government and non-governmental agencies.

Emergency Employment (TUPAD Project)

86. The *Tulong Panghanapbuhay sa Ating Disadvantaged Workers (TUPAD)* is a project for the displaced workers resulting from global financial crises and the unemployed poor that will provide short-term wage employment as immediate source of income for the beneficiaries and their families.

87. During the employment of the beneficiaries under the project, they will be provided with employability enhancement trainings to prepare them for another employment after the completion of the project. The project will also provide social protection to protect beneficiaries from the risks in employment, such as short-term employment is for one month in various community work projects of the local government units, trainings are for skills upgrading/retooling or entrepreneurship development to be undertaken on weekends within the one-month period, and social protection through Social Security System (SSS) and PhilHealth coverage. From 2009–2012, the TUPAD Project has had a total of 29,346 beneficiaries and a total fund release of P125,584,789.

Joint Programme on Youth, Employment and Migration (YEM)

88. Alternatives to Migration: Decent Jobs for Filipino Youth project was also pilot tested in the provinces of Masbate, Agusan del Sur, Maguindanao and Antique in 2009. One identified output of the project is on entrepreneurship training for the disadvantaged youth who are 15–24 years old. The project furthermore utilized the International Labour Organization's *Start and Improve Your Business (SIYB)* module. The project has achieved the following in 2012: 480 disadvantaged youth trained on entrepreneurship including graduates of technical vocational skills training and recipients of educational subsidy, 254 out of 240 targeted disadvantaged youth with feasible business plans received starter kits and 151 out 96 targeted disadvantaged youth established their own micro enterprises.

Technical Vocational Assistance

89. The Technical Education and Skills Development Authority (TESDA), the Philippine government authority on technical, vocational education and training (TVET), provides guidance and implements programmes for the youth in school, and out of school, and for the general public who are interested in TVET training/

90. TESDA also provides directions in the areas of labour market information, national skills mapping, social marketing on TVET, and resource generation and mobilization.

91. TESDA, in cooperation with public and private enterprises, conducts competency assessment and skills certification of workers to enhance productivity. For the youth, TESDA continues to provide training through its network of accredited technology institutions. Scholarships are also provided to expand access to TVET opportunities.

Apprenticeship and Learnership Programmes

92. An enterprise interested in hiring apprentices applies for programme registration with TESDA before taking in apprentices. Apprenticeship is training within employment with compulsory related theoretical instructions involving a contract between an apprentice and an employer on an approved apprenticeable occupation. The period of apprenticeship shall not be less than three months or 600 hours but not more than six months or 1,200 hours.

Table 11
Programme Accomplishments, 2009–2012

Year	*Participating Companies*	*Enrolled*	*Graduated*	*Absorbed into Regular Employment*
2009	736	73,952	66,588	47,063
2010	792	75,587	62,597	52,527
2011	801	71,489	63,753	49,777
2012	777	66,365	60,360	30,836

93. An enterprise is also required to have learnership programme registered with TESDA. Learnership is a practical training on the job for non-apprenticeable occupations, whether or not it is supplemented by theoretical instructions, for the period not exceeding three months. From 2009–2012, a total of 193,298 graduates have completed under the apprenticeship and learnership programmes. Of this number, a total of 180,203 were absorbed into regular employment.

Dual Training System

94. RA 7686 provides for the Dual Training System (DTS) as a mode of training delivery that combines in-plant (60%) and in-school (40%) training based on a training plan collaboratively designed and implemented by a TVET Institution (TVI) and its partner establishment. The TVI and the establishment apply their programme for DTS Accreditation with TESDA. Under the DTS Law, trainees are paid training allowance equivalent to 75% of the prevailing minimum wage to the trainee.

Table 12
Enrolment and Graduates of DTS Programmes, 2009–2012

	2009	*2010*	*2011*	*2012*
No. of Enrolees	1009	6776	4,518	6,335
No. of Graduates	1187	2406	1,366	2,340

Table 13
Participating TVIs and Companies, 2009–2011

	2009	*2010*	*2011*	*2012*
Participating TVIs	62	44	58	61
Participating Companies	385	723	747	385

95. The following are the measures being adopted by the DSWD in creating employment opportunities vis-a-vis livelihood.

The Kapit-Bisig Laban sa Kahirapan – Comprehensive and Integrated Delivery of Social Services programme (KALAHI-CIDSS)

96. *KALAHI-CIDSS* is a community-driven development programme seeking to empower communities through enhanced participation in local governance and community projects aimed at reducing poverty by empowering the poor through meaningful involvement in development processes making development initiatives responsive to their needs. It targets the poor municipalities in the identified poorest provinces based on the

National Statistical Coordination Board (NCSB) report. These municipalities constitute the poorest 25% of all municipalities of the 42 poorest provinces.

97. The KALAHI-CIDSS programme activities are implemented through mobilization of community structures and local government unit support; provision of capability building and skills training for communities and local government units on self-awareness and development values and participatory needs prioritization and programme planning and implementation; and provision of technical assistance and resource grants for community priorities.

Sustainable livelihood programme

98. The *Sustainable Livelihood Programme* is a community-based programme which provides capacity building to improve the programme participants' socioeconomic status. It is executed through employing two tracks vis-a-vis strategies. First, it supports micro enterprises to become organizationally and economically viable through a capacity building programme that focuses on community development, skills enhancement, network building and capital assistance to poor families included in the National Household Targeting System for Poverty Reduction (NHTS-PR) list, prioritizing the Pantawid Pamilya beneficiaries in order to improve their opportunities for managing a sustainable micro enterprise. Second, it links participants to employment opportunities by providing assistance to unemployed poor families included in the NHTS-PR list, prioritizing the Pantawid Pamilya beneficiaries who are seeking for job opportunities. They are provided with skills profiling, job matching, occupational guidance and counselling and job referrals.

99. The DTI and BOI have undertaken initiatives to revive the Philippine manufacturing and craft a comprehensive Philippine Industrial Plan covering forward and backward linkage in priority areas and high-potential growth sectors to generate jobs. BOI has been doing comprehensive consultations with stakeholders in the development and implementation of sectoral roadmaps to help attain identified targets. DTI has tapped the Philippine Institute for Development Studies (PIDS) to craft the Comprehensive Industrial Plan. To date, 22 sectors have completed their respective industry roadmaps and are now ready for the implementation of action plans. DTI-BOI will launch the industry roadmaps and create a venue for other relevant government agencies/stakeholders to give their comments and suggestions as well as establish stakeholder ownership for the roadmaps. Eventually, this will provide a balanced approach where jobs will not just be created in the service sector, but also in the industrial and manufacturing sector of the economy.

Information under articles 6, 7, 8 and 10 – promoting and protecting the rights and welfare of overseas Filipino workers

100. The President signed into law Republic Act 10361 (Domestic Workers Act) last 18 January 2013. Also known as the *Batas Kasambahay*, the law is a landmark piece of labour and social legislation that recognizes for the first time domestic workers as similar to those in the formal sector. It strengthens respect, protection, and promotion of the rights and welfare of domestic workers. The law enumerates labour standards for domestic workers, including a monthly minimum wage, daily and weekly rest periods, annual service incentive leave with pay, thirteenth month pay, as well as social security coverage (e.g., SSS, PhilHealth and Pag-Ibig).

101. In 2011, PhilHealth introduced the Partial Subsidy Scheme for the poor. The Scheme allowed for the sharing of annual contribution between the local government units, simplified the process especially for those from far-flung and rural areas, expanded medical benefits, and made women, especially the women micro entrepreneurs, the priority in enrolment. The primary bearer of the PhilHealth card of the family is now the woman or mother

102. In line with the Philippine Decent Work Common Agenda 2008–2010 which aims to address and reduce gaps in decent work and to enhance workforce productivity, competitiveness, representation and equity at work, the Department of Labour and Employment is implementing employment and entrepreneurship programmes, such as the Integrated Livelihood Programme (ILP) that caters to the disadvantaged/unemployed workers especially to specific group of workers which include women. In 2010, the programme reached a total of 17,102 informal sector workers, 50% of them are women. During the same year, 10,003 disadvantaged unemployed women workers were provided with self-employment/livelihood projects.

103. A bill on the Magna Carta of Workers in the Informal Economy (MCWIE) was filed in the Lower House in the fourteenth Congress. A related bill, the Magna Carta for Informal Employment was also filed in the Senate under the fifteenth Congress. Both bills aimed to promote the total well-being of all workers in the informal economy including women and bring them into the mainstream of the Philippine economy. The bill on MCWIE specially aims to: promote gender equity and equality and protect women workers in the informal economy against gender-based discrimination, exploitation and abuse; advance women's social, economic, political, and reproductive rights; and improve their access to social protection and participation in decision-making bodies.

Counselling services and medical assistance in countries of destination

104. As part of the "one country team" approach prescribed under the Migrant Workers' Act (Republic Act 8042), the DSWD Social Welfare Attachés assigned at the Philippine Embassies in Kuala Lumpur, Malaysia and Riyadh, Saudi Arabia provide counselling and welfare services to Overseas Filipino Workers (OFWs) in the said countries. In order to step up efforts in providing welfare services to OFWs, DSWD is also proposing the deployment of additional Social Welfare Attachés in countries where there is high concentration of OFWs such as South Korea, United Arab Emirates, Qatar, Hong Kong and Kuwait. OUMWA also recommended the deployment of a Social Welfare Attaché to Beirut, Lebanon.

105. There are also Philippine Overseas Labour Offices (POLOs) which are attached to the Embassy or Consulate in countries with at least 10,000 Filipinos. POLOs provide employment counselling; mediate disputes between OFWs and employers; compel recruitment agencies to ensure that the terms and conditions of the employment contracts are adhered to; and conduct skills upgrading courses to OFWs, including financial literacy and other reintegration know-how.

106. Foreign Service Posts (FSPs) also provide assistance to OFWs who suffer from medical problems, which include (a) coordinating with hospitals on provision of required medical assistance or requesting to decrease/partially waive the medical bills in cases where OFW is destitute: (b) informing the next-of-kin on the OFW's hospitalization/medical condition and arranging their visits as requested; and (c) arranging medical repatriations, if needed.

Forging of bilateral agreements with countries of destination

107. The Philippines and the Kingdom of Saudi Arabia have signed on 19 May 2013 a labour agreement governing household workers benefits, such as a day off each week, while preventing their hiring costs from being deducted from their salary among other safeguards. Under the agreement, a complaint mechanism was set up starting with the establishment of a 24-hour hotline for dispute resolution. Around 60,000 household service workers in Saudi Arabia stand to benefit from this agreement. Household workers are also guaranteed a USD$400 monthly salary.

108. Labour agreements with other destination countries are also being explored in order to further promote and protect the welfare and dignity of the OFWs.

109. As mandated in the amended Migrant Workers' Act (Republic Act 10022), FSPs have certified countries under their jurisdictions either as compliant or non-compliant, or have/have not initiated positive and concrete measures to protect the rights of migrant workers. Based on the FSPs' certification, the Philippine Overseas Employment Administration (POEA) Governing Board either unilaterally approves or disallows the deployment of OFWs in a particular country. The certification process undergoes periodic reviews and those non-compliant countries are induced to conclude bilateral labour agreements.

110. The Philippine Overseas Employment Administration (POEA) drafted a total of 11 Bilateral Labour Agreements with the Governments or labour ministries of a number of destination countries of Filipino migrant workers. It also entered into agreement with other government, non-governmental and civic organizations engaged in advocacy and services against illegal recruitment, human trafficking, and "reprocessing" or contract substitutions. Under these agreements, workers are enrolled for health, life insurance, housing and social security. In addition to quick responses in cases of maltreatment, abuse, contract violations, and repatriation, POEA also deployed a corps of labour attaches and welfare officers who organize seminars and investment counselling services to guide the OFWs' investment decisions upon return to the Philippines.

Providing legal, consular and other services for nationals in distress abroad

111. FSPs are mandated to provide legal and consular assistance to distressed OFWs. There are also discretionary government funds allocated for overseas Filipinos namely, the Assistance-to-Nationals (ATN) Fund (for repatriation, shipment of remains/cremation, temporary accommodation, food and basic supplies, medical evacuation, hospitalization, ATN missions, immigration penalties and related charges) and the Legal Assistance Fund (LAF) (for criminal cases and labour disputes, appeals of death penalty or life sentence, or in filing cases against erring/abusive employers and for rape victims). Rape victims are also encouraged to file cases against perpetrators with LAF to hire competent lawyers.

112. In countries where there is a big concentration of Filipinos, a Filipino Workers' Resource Centre is established within the premises and under the administrative jurisdiction of the Philippine Embassy.

VI. Information under article 11 of the Covenant

113. On minimum wages, the National Wage and Productivity Council (NWPC) and the Regional Boards started adopting the two-tiered wage system in 2012. It consists of a mandatory floor or minimum wage to protect vulnerable workers from undue low wages and a voluntary productivity incentive scheme over and above the mandatory floor or minimum wage to encourage workers and enterprises adopt productivity improvement and gain sharing programmes. Through this approach, the minimum wage shall be set above the poverty threshold to ensure basic needs of workers and their families but not to exceed average wage to allow space for bipartite approaches in setting better terms and conditions of employment.

Specific Accomplishments

(a) The RTWPBs did not issue Wage Orders in 2009 to provide economic relief to enterprises given the effects of the financial crisis.

(b) In 2010, 15 Wage Orders were issued granting daily wage increase in non-agriculture of P22 in the National Capital Region (NCR) and from P 8 to P 21 in areas Outside National Capital Region (ONCR). This brought the minimum wage in non-agriculture in NCR to Php 404 and a range of Php 222 to Php 337.

(c) In 2011, 11 Wage Orders were issued granting daily wage increase in non-agriculture of Php 22 in NCR and from Php 10 to Php 20 in areas ONCR. This brought the minimum wage in non-agriculture in NCR to Php 426 and a range of Php 232 to Php 337.

(d) In 2012, 13 Wage Orders were issued granting daily wage increase in non-agriculture of Php 30 in NCR and from Php 5 to Php 22 in areas ONCR. This brought the minimum wage in non-agriculture in NCR to Php 456 and a range of Php 232 to Php 349.50.

- The NWPC and the Regional Boards started adopting the two-tiered wage system in the 2012 wage issuances as indicated by gradual/phased upward adjustments in minimum wages falling below poverty threshold (III and IV-A); adoption of a "no exemption" policy by some of the Boards (CAR, IV-A, IV-B, VI and VIII); issuance of advisories on productivity-based pay over and above the minimum wage (IV-A) and; simplification of wage structures to ensure that the rates are above poverty threshold but lower than average wage (CAR, IV-A, V).

(e) As of October 2013, five Wage Orders from RTWPBs NCR, regions VI, IX, X and Caraga were issued granting daily wage increase in agriculture in the amounts of Php 10, Php 10, Php 13, Php 20 and Php 10, respectively.

(f) During the conduct of three area-based consultations last August, the Boards committed to close the gaps of minimum wage rates falling below poverty threshold in two to three years and issue wage advisories on productivity based pay scheme for the region's growth industries based on the Philippine Development Plan (PDP) 2011–2016.

- On the first tier, there are 18 rates falling below poverty threshold ranging from P3–P98 in regions CAR, regions I, II, III, IV-A, IV-B, V, VIII, XIII and ARMM and mostly in retail/service establishments.
- On the second tier, the Boards have identified their priority growth sectors which are subject to issuance of their advisories.
- To date, Regions IV-A and CAR have already issued their respective wage advisories while Regions III, XI and XII are in the process of finalizing their advisories. The rest of the Boards are conducting consultations with stakeholders of the selected growth industries. The boards will provide technical assistance through productivity orientation and capacity buildings to MSMEs in the growth industries including their supply chain.

Minimum Wage of Kasambahay (Domestic Workers)

114. The Kasambahay Law prescribes a monthly minimum wage for domestic workers, adjusting the old minimum wages prescribed in the 1974 Labour Code of the Philippines, which previously set the monthly minimum wage for the domestic workers in NCR at Php800.00. With the new law, the new minimum wage in the NCR is set at Php 2,500.00.

115. The NWPC is currently formulating the necessary policy guidelines to guide the Boards in adjusting minimum wages of "kasambahay" or domestic workers. The law provides that the Boards shall be responsible for reviewing and adjusting minimum wages of domestic workers, one year after effectivity of the law (2013).

116. The NWPC is currently developing the framework for minimum wage setting for domestic workers. This will take into consideration the ILO Convention 189, RA 6727

(Wage Rationalization Act) and the two-tiered wage system, RA 10361 (Batas Kasambahay) and country practices in setting minimum wage for domestic workers.

117. The minimum wage of domestic workers shall be based on needs of workers, employer's capacity to pay and other relevant indicators. Consistent with RA 10361, skill or competency based wage adjustments above the minimum wage shall also be included in the guidelines being prepared by the NWPC for implementation by the Boards.

118. On labour policies, broad participation of the social partners in policy and decision making has been unprecedented, propelled by Republic Act 10395 (Strengthening Tripartism and Social Dialogue), signed into law last 14 March 2013. The Single-Entry Approach for fair, speedy, inexpensive labour justice has been institutionalized by the passage of Republic Act 10396 (Strengthening Conciliation and Mediation as Voluntary Mode of Settling Labour Disputes) mandating a 30-day conciliation of all labour cases and keeping arbitration as last resort.

119. To protect workers' wages and benefit, 600 labour law compliance officers and inspectors will implement the new labour law compliance system by third quarter of 2013. This improves the ratio between labour inspectors to inspectionable establishments to a ratio of 1:127 from a former ratio of 1:304 (2012 ratio). The system uses a mix of developmental and regulatory approaches to benefit micro, small, and medium enterprises. Inspectionable establishments nationwide have been identified. With technical assistance and additional capital from Government, the system features real-time data capture and transmittal from the field using electronic checklists stored in mobile devices and gadgets.

120. With an additional budget of Php 286 million, the new system covers joint assessment of compliance of general labour standards, safety and health, child labour, freedom of association, collective bargaining, and maritime labour regulations.

121. Under the new Labour Standard Enforcement Framework (LSEF), a culture of compliance based on voluntariness, instead of compulsion, will involve three approaches: 1) self-assessment; 2) inspection; and 3) advisory service. Under the self-assessment approach a voluntary mode of self-assessment is applicable to establishments with at least 200 workers and unionized establishments with CBAs, regardless of the number of workers. Under the inspection approach, a conduct of inspection in all workplaces with 10–199 workers shall be undertaken by labour inspectors. Under the advisory service approach, workplaces with less than ten workers and those registered as micro business enterprises shall be provided with training and advisory visits by the DOLE regional offices to improve productivity and other technical advice, thereby facilitating eventual compliance with labour standards.

122. Results of the BLES Integrated Survey (BITS) of the Bureau of Labour and Employment Statistics (based on non-agricultural establishments employing at least 20 workers) show that the incidence rate of fatal occupational injuries per 100,000 employed persons dropped from 9.5 in 2000 to 4.2 in 2011. Likewise, the incidence rate of non-fatal occupational injuries per 100,000 employed persons decreased from 1,399 to 520 during the same period. There were 18,143 cases of occupational injuries in 2011 (down from 26,467 in 2000), of which 145 or 0.8% were fatal and 99.2% (17,998) were non-fatal. The non-fatal cases resulted to permanent incapacity (279 or 1.6%) and temporary incapacity (17,719 or 98.4%). However, the average days lost due to temporary incapacity cases increased from 7.8 in 2000 to 8.8 in 2011.

123. The Occupational Safety and Health Centre (OSHC), an attached agency of the Department of Labour and Employment, from 2009 to 2013 has accomplished the following programmes and activities to complement the DOLE's efforts in enforcing occupational safety and health legislation.

124. As to trainings conducted in occupational safety and health (OSH) – the OSHC was able to train 51,834 participants from 17,9222 companies. A total of 911 batches of trainings were conducted on the 40-hour mandatory courses – Basic Occupational Safety and Health (BOSH) Course and Construction Safety and Health Training as well as specialized OSH trainings.

125. The OSHC developed the e-BOSH, an on-line version of the Basic Occupational Safety and Health Course which can be accessed by workers from all over the country and even from abroad. Launched in November 2011, a total of 180 participants have completed the e-BOSH course.

126. The OSHC, in consultation with the Mines and Geosciences Bureau of the Department of Environment and Natural Resources, the Business Processing Association of the Philippines and the Bus Transportation Industry came up with BOSH modules that are custom-fitted to the mining sector, BPOs and the bus transport.

127. For the vulnerable sectors, the OSHC also extended its services through capability building activities. In 2012, a BOSH course was conducted for disabled participants from cooperatives all over the country.

128. To complement safety and health inspections among construction projects, the OSHC lead safety patrol teams, composed of experts from OSHC, Employees Compensation Commission (ECC), Bureau of Working Conditions (BWC), workers organizations and OSH Consultants/Practitioners to determine the OSH status and provide recommendations in 112 construction projects located in major areas in the Philippines (National Capital Region, Regions 3, 4A, 7 and 11).

129. From 2009–2012, OSHC was able to provide the following technical services:

(a) Work Environment Measurement (WEM) benefiting 220,896 workers from 646 companies;

(b) Testing of Personal Protective Equipment for 4,608 PPEs;

(c) Occupational Health Examinations – 6586 laboratory tests;

(d) Accreditation of OSH Training Organizations/Consultants (started in 2011) – 25 Training/Consulting Organizations and 60 Consultants accredited/renewed.

130. The OSHC completed 15 OSH researches from 2009–2012. OSHC is currently undertaking three researches.

131. Under the GREAT Women Project, DOLE-OSH included the informal sector in its programmes on occupational health and safety. Among the areas DOLE-OSH cover for OSH training are the micro enterprises owned by women micro entrepreneurs.

On Dissolution of Marriage

132. On the issue of dissolution of marriages, The Family Code of the Philippines provided for remedies such as declaration of nullity, annulment and legal separation (relative divorce).

133. There had been legislative proposals at the Philippine Congress that seek to introduce divorce as another option for couples in failed and irreparable marriages, amend the provision of legal separation in The Family Code by inserting a new provision on divorce, and for providing for divorce as measure which severs the marriage bonds not necessarily the purpose of re-marriage but as a remedy to achieve peace of mind and facilitate their pursuit of full human development.

134. The Supreme Court in the case of *Republic of the Philippines v. Cipriano Orbecido III*, G.R. No. 154380, promulgated on 05 October 2005 has decided unanimously that Paragraph 2 of article 26 of the Family Code should be interpreted to allow a Filipino citizen, who has been divorced by a spouse who had acquired foreign citizenship and remarried, also to remarry.

135. For lower income families, parties seeking annulment of their marriage may avail free legal services from the Integrated Bar of The Philippines (IBP), University of the Philippines (UP) Law Centre, Ateneo Human Rights Centre, and Public Attorneys' Office (PAO), among others.

136. The measures being undertaken by the DSWD in the event of informal separation and ensuring the registrations of births of children in the country include Alternative Parental Care through Adoption, Legal Guardianship and Foster Care and Free Birth Registration (FBR) Programme.

On strengthening of protection of women relative to the crime of rape

137. In the fifteenth Congress, an Anti-Rape Bill (House Bill No. 6170), amending R.A. No. 8353 or the Anti-Rape Law of 1997 was among the priorities under the Women's Priority Legislative Agenda. The current law does not exempt the husband from criminal liability despite the forgiveness by his wife.

138. The Anti-Rape Bill (House Bill No. 6170) amending RA 8353 or the Anti-Rape Law of 1997 was filed on 15 May 2012 and pending with the Committee on Women and Gender Equality since 22 May 2012. This bill redefines the crime of rape by putting the element of "absence or lack of consent" in the core of its definition. The proposed measure enumerates six instances where there is a presumption of lack of consent, which places upon the accused the burden of proof that the sexual intercourse with the victim is consensual. It likewise repeals the provision that pardons the rapist if he subsequently marries the victim or the rapist-husband if pardoned by the wife. Therefore, this bill will not exempt the husband or the accused from criminal liability despite the forgiveness by the wife or the marriage with the victim.

139. With regard to the statutory age of rape, there are proposed measures to raise it to 15 or 16 as the present laws (RPC and RA 8353) both peg the age of consent at 12 years old. These measures are also in parallel with the age of discernment set by Juvenile Justice and Welfare Law (RA 9344) which is 15 years old. The bill was refiled under the sixteenth Congress.

On combating trafficking in persons

140. The DOLE issued Department Order No. 02 in May 2012 *(Manual in Handling Complaints on Trafficking in Persons, Illegal Recruitment and Child Labour)* to achieve organized and effective management of cases of trafficking in persons, illegal recruitment and child labour in the enforcement of labour standards provisions of the Labour Code as well as other laws including Republic Act 9231 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination), Republic Act 9208 (Anti-Trafficking in Persons Act of 2003), Republic Act 10022 (Migrant Workers Act) and other related laws.

141. The Manual contains step-by-step procedures on handling complaints or cases by the network of Philippine Overseas Labour Office worldwide, the Philippine Overseas Employment Administration and the network of Regional Offices of the DOLE nationwide. The crafting of the Manual is one of the anti-child labour programmes and strategies outlined in the Philippine Labour and Employment Plan (2011–2016) in a bid to improve the country's efforts for the elimination and prevention of child labour. The Plan also includes the organization, reactivation and strengthening of child labour committees and the

development of a system of reporting child labour incidence using a Child Labour Knowledge Sharing Website.

142. Under the recently-enacted Republic Act 10364 (*Expanded Anti-Trafficking in Persons Act of 2012)*, the coverage of trafficking now includes attempted trafficking. The new law also has accessory or accomplice liability, covering more related acts and individuals. For example, recruitment in the guise of domestic or overseas employment for sexual exploitation, forced labour or involuntary debt bondage, are now considered human trafficking.

143. The penalties and sanctions under the new law are stiffer. Those guilty of trafficking can be sentenced to 6 to 40 years in prison and fines ranging from Php 50,000 to 5 million.

144. An important provision in the law prohibits the disclosure of the name and personal circumstances of victims of trafficking while persons accused of human trafficking will now be made public to warn possible victims.

145. The DSWD, with its inter-agency working groups, has accomplished the following to combat trafficking of human persons including women and children:

Creation of structural mechanisms

146. *Inter-Agency Council Against Trafficking (IACAT)* is the body created to coordinate and monitor the implementation of Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003". It is composed of the heads of the Department of Justice (DOJ) and the Department of Social Welfare and Development (DSWD) as chairperson and Co-chairperson, respectively and other agencies. The IACAT also has its representation in the regional and provincial levels through the RIACAT and PIACAT.

147. Since the creation of the IACAT, it has been at the forefront of the drawn-out battle against trafficking in persons (TIP). With the committed support from an expansive range of partners, from the Government, private sector, civil society, international development and law enforcement organizations, it has made significant stride in the Philippine Government's campaign against trafficking in persons.

148. A total of 102 alleged perpetrators of trafficking were convicted in 2012 through the aid of IACAT. Others programmes established by the council such as the National Anti-Trafficking Task force, Regional Task Force and groups stationed in ports of entry has increased the detection of potential trafficked victims and has helped in preventive efforts of the Council.

149. The IACAT led several rescue and victim assistance missions involving international cooperation. In the year 2012, a total of six victims were rescued and assisted in Malaysia. Five victims were likewise rescued and assisted in China. In 2013, 10 victims were rescued and assisted in Singapore. More so, as part of the efforts to expedite the resolution of Trafficking in Persons (TIP) cases, a comprehensive database of all the TIP cases was put in place. The DOJ-IACAT created a team assigned to monitor and inventory the cases pending in the Regional Trial Courts (RTC) of the country. The IACAT monitoring team records cases that have been pending for more than 5 years, determines the cause of delay, and reports the same to the DOJ for appropriate action.

150. *Referral System on the Recovery and Reintegration of Trafficked Persons* is a system established to strengthen the referral network of agencies concerned with trafficked persons to establish a framework for intervention and services accorded to trafficked persons. It contains reporting and documentation forms to ensure uniformity of documents so as to avoid repetitive interviewing of victims. It also contains the baseline data for the National Recovery and Reintegration Database (NRRD), a database system for trafficked persons developed by the DSWD.

151. In 2012, 90 new referral networks were established for the NRS. These networks have contributed to the success of rescue operations, filing of cases against alleged perpetrators, and provision of services such as temporary shelters, counselling, and legal assistance to victims-survivors.

Implementation of programmes and provision of services

152. *Recovery and Reintegration Programme for Trafficked Persons (RRPTP)* is a comprehensive programme that ensures adequate recovery and reintegration services are provided to trafficked persons. Utilizing a multi-sectoral approach, it delivers a complete package of services addressing the psychosocial, social and economic needs of the clients. These services include awareness, skills and capabilities enhancement among victim-survivors' families and communities where they will be reintegrated.

153. A total of 949 individual victims of trafficking in persons from the 17 regions were reached out by the programme in 2012.

154. *International Social Welfare Services for Filipino Nationals (ISWSFN)* is a project institutionalizing a system of deployment of Social Welfare Attaches or Social Work Interns in foreign countries with high rate of OFWs in order to provide comprehensive social welfare and protection services to the vulnerable and disadvantaged OFWs and their families.

155. ISWSFN caters to the overseas Filipino Workers and Migrants who are distressed or in crisis situation, particularly the deportees and/or repatriates that are victims of trafficking and other forms of abuse.

156. *Protective Services* are day-to-day services provided by the DSWD which respond to the needs of victims of violence particularly women and children. Protective services are categorized into centre-based and community-based.

157. The IACAT has carried out programmes for the capacity development of law enforcement officers (intelligent agents, immigration officers, police officers and even members of the marine corps), prosecutors, judges, social workers, labour officers, local government personnel, as well as members of non-governmental organizations and civil service organizations, by organizing 104 trainings and seminars to strengthen anti-trafficking approaches and responses in their area of jurisdiction.

158. The Philippine diplomatic missions abroad also offer psychological counselling to trafficking victims and overseas Filipino workers. In 2010, an expansion of anti-trafficking training programmes for Foreign Service Officers (FSO) assigned in countries with significant number of trafficking incidents was jointly undertaken by the Justice Department (DOJ) with the Foreign Affairs Department. Training for service providers including members of the DOJ Task Force against Trafficking, law enforcement officers of the PNP and operatives of the Anti-Human Trafficking Division of the National Bureau of Investigation (NBI) have been conducted to enhance their capability in conducting surveillance, rescuing trafficking victims and collecting and monitoring data of TIP cases.

159. Likewise, on the provision of mandatory training for law enforcement officials, prosecutors and judges on the anti-trafficking legislation, the Supreme Court, through PHILJA, spearheaded training-programme on Anti-Trafficking. It has conducted a total of 36 training-programmes on the Anti-Trafficking in Persons Act, including its Implementing Rules and Regulations since it was introduced in 2002. This number includes 24 batches of "*Competency Enhancement Training for Family Court Judges and Court Personnel in Handling Child Abuse Cases and Trafficking Cases*" conducted from 2008–2013. The programme's objective is to improve the competencies of judges, prosecutors and court

personnel of family courts and single-sala courts in handling sexual abuse and commercial sexual exploitation cases.

Combating Child Labour

160. To intensify efforts against child labour, the DOLE issued the following:

- Department Order No. 115-A in September 2012 *Operational Guidelines on the Issuance of Tripartite Certificate of Compliance with Labour Standards* (TCCLS). The grant of TCCLS aims to promote voluntary compliance with General Labour Standards, Occupational Safety and Health Standards and Child Labour Law;
- Department Order No. 115-B on 5 December 2012 *Operational Guidelines on the Issuance of Child Labour-Free Establishment and/or Zone Sea.* This Guidelines governs the procedure on the grant of Child Labour-Free Establishment/Zone Seal which aims to promote compliant and socially responsible business practices. For establishments, the DOLE Seal shall be through the Child Labour-Free Establishment Certificate and for the Zone, it will be the Child Labour-Free Zone Marker;
- Department Circular No. 02, Series of 2012 *Manual of Procedures in Handling Complaints on Trafficking in Person, Illegal Recruitment and Child Labour.* Signed on 7 May 2012, the Manual aims to achieve an organized and effective management of cases on trafficking in persons, illegal recruitment and child labour. It contains legal measures to assist and enable the prosecution of the offenders, as well as to afford victims protection, rehabilitation and reintegration into the society.

161. The DOLE also hired additional labour law compliance officers (labour inspectors) to complement the manpower needs under the existing setup of labour inspectors in the regional offices to ensure compliance of the labour standards, including anti-child labour efforts.

Fines and criminal sanctions to persons making use of illegal child labour

162. The Expanded Anti-Trafficking in Persons Act protects children from being trafficked through its strengthened provisions which also covers attempted trafficking and accessory or accomplice liability.

163. There are 16 Crisis Intervention Units and 30 children residential facilities nationwide maintained by the Department to address crisis situation including child abuse cases. In terms of personnel, at least one dedicated personnel is assigned per regional office to participate in the rescue operation conducted through the request of the Philippine National Police (PNP).

Training for law enforcement officials, prosecutors and judges

164. PHILJA serves as a training school for justices, judges, court personnel, lawyers and aspirants to judicial posts. The Academy provides and implements a curriculum for judicial education and conducts seminars, workshops and other training programmes designed to upgrade their legal knowledge, moral fitness, probity, efficiency and capability. The topics relating to international law, women and children, among others are included in PHILJA's regular and special focus programmes.

165. As early as 1998, the Supreme Court has advocated the "*Strengthening the Legal Protection of Children*" through the seminar-workshops conducted by PHILJA from 1998–1999. This was followed by a series of "*Regional Multi-Sectoral Seminar-Workshop on Juvenile and Domestic Relations Justice*". The programme aims (a) to discuss the rights of families, women and children under the Convention of the Rights of the Child, the

Convention on the Elimination of All Forms of Discrimination Against Women and other United Nations standards; (b) to describe the role of other pillars of justice in the juvenile justice system; (c) to identify ways where each family court on its own and, together with the other pillars, can better respond to the mandates of the Convention of the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, United Nations standards, the Family Courts Act and related Philippine Laws; and (d) to familiarize the participants with the recent laws and Supreme Court Rules affecting women, children and the family. The judges and court personnel are likewise updated on laws, rules and jurisprudence affecting children through the regular and special focus programmes conducted by PHILJA which they are required to attend.

166. In January 2013, the DOLE, in coordination with other agencies like DSWD and DILG, launched a programme that aims to address the worst form of child labour in the country by 2016. The programme will provide education support such as transportation to school, school uniforms and supplies, meal allowances, and livelihood for the parents of child labourers. Based on national statistics, around 3 million children between the ages of 5 to 17 are already working.

167. The DOLE has also made a great stride in the fight against child labour in 2012 with its community-based Child Labour-Free Barangay Campaign. Launched on 18 May 2012, the Campaign aims to contrib..te to the achievement of the vision of a "Child Labour-Free Philippines". It seeks to bring down to the community level — the barangay, the basic geo-political unit — the campaign against child labour, foster common understanding on, and gain public support for, the DOLE Child Labour Prevention and Elimination Programme.

168. As of 30 April 2013, a total of 129 barangays nationwide were enrolled by the DOLE Regional Offices and targeted to be transformed as child labour-free barangays. Most of them are in Regions VIII (14 barangays), CAR (11 barangays) and V (11 barangays). Of the 129 barangays, 65 barangays are located in 31 municipalities included in 609 focus municipalities of the National Anti-Poverty Commission, 2 barangays are covered by World Vision's ABK3 LEAP (Livelihood, Education, Advocacy and Protection to Reduce Child Labour in Sugarcane Areas) Project, and 26 barangays are covered by the ILO-IPEC Project.

169. The child labourers in these target barangays are mostly engaged in vending, scavenging, farming (vegetable, rice and sugarcane), fishing, and small-scale mining. Some are working as barkers, pedicab drivers, *kasambahay* and log haulers.

170. Some 1,802 child labourers and other children at risk of becoming child labourers were given educational support in the form of school supplies, bags and scholarship grants. Some child labourers were assisted in enrolling in the Alternative Learning System – a ladderized, modular non-formal education programme for drop-outs in elementary and secondary levels, and out-of-school children. Other children were given accreditation and equivalency tutorials during summer classes.

Sagip Batang Manggagawa (SBM)

171. In 2012, there were 223 child labourers rescued. This brings to a total of 3,270 child labourers already rescued by the Sagip Batang Manggagawa Quick Action Teams (SBM QATs) since its inception in 1993. The rescued children were engaged in KTV bars and night clubs for prostitution, logging industry as log haulers, sugar cane plantations as sacadas, construction sites as construction workers, sea ports as stevedores and fishermen, and manufacturing companies as factory workers.

172. In 2012, the DOLE permanently closed four KTV bars in NCR for employing 28 minors in prostitution. This brings to a total of 33 establishments already closed by the

DOLE since Republic Act No. 9231 was passed in 2003. A total of 147 minors exposed to prostitution have been rescued from the said 33 establishments.

Project Angel Tree

173. About 6,271 child labourers and children at risk of becoming child labourers were provided educational assistance through Project Angel Tree. This brings to a total of 34,146 children who already benefited from the Project since it started in 2006. The educational assistance came in the form of school supplies, school bags, umbrellas, raincoats, tumblers, slippers and toiletries. Some 111 of them were awarded scholarship grants.

- The San Miguel Foundation, Inc. in Region 4-A provided scholarship grants to four former child labourers until college level;
- The Mountain View College of the Seventh Day Adventist Church in Region X accommodated 85 child labourers working in sugarcane farms in Valencia City in its scholarship programme; 61 of these children are in the elementary level;
- The Central Mindanao University awarded scholarship grants to 22 former child labourers for the *Associate in Sugar Production and Management* course. Another 10 child labourers in the sugarcane plantations availed of *Reflexology Training*.

ABK 3 LEAP – Livelihoods, Education, Advocacy and Protection to Reduce Child Labour in Sugar Cane Areas

174. Launched on 29 February 2012, ABK3 LEAP is working towards the reduction of exploitative child labour in 11 sugarcane provinces of Batangas and Camarines Sur in Luzon; Capiz, Iloilo, Cebu, Leyte, Negros Oriental and Negros Occidental in Visayas; and Bukidnon, Davao del Sur and North Cotabato in Mindanao through a multi-sector approach through provision of direct educational and livelihood services and linkages for 52,000 children and25,000 households, strengthening capacity of local and national institutions, policy advocacy, awareness raising, leveraging government and private sector partner commitment, and research to provide reliable data on child labour. The implementation of ABK3 LEAP is led by World Vision together with Child Fund and ERDA.

175. As of December 2012, ABK 3 LEAP has provided education support to 10,717 children, of which 10,609 (99%) are child labourers and 1% are children at-risk. As to the education status, 6,209 are in the elementary level, 4,313 are in high school, 64 took Alternative Learning System and Vocational Education Training while 131 were in pre-school.

2011 National Survey on Children

176. The 2011 Survey on Children of the National Statistics Office (NSO) shows that child labourers were predominantly in agriculture (62.4%) and in the services sectors (30.1%). A small proportion (7.6%) was in the industry sector. On the other hand, the Labour Force Survey (LFS), also of the NSO, found that working children were also largely found in the agricultural and services sectors and least in the industry sector.

Poverty Eradication Initiatives

177. The DSWD is currently employing Convergence or TATSULO as a strategy to harmonize its core poverty reduction programmes – the Pantawid Pamilyang Pilipino Programme (Pantawid Pamilya) or the Conditional Cash Transfer (CCT) Programme, the Kapit-Bisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services Programmes (KALAHI-CIDDS), and the Sustainable Livelihood Programme (SLP). By identifying who and where the poor are, through the National Household Targeting System

for Poverty Reduction (NHTS-PR), maximization of resources and the timely, effective and efficient delivery of services is viewed could be achieved.

Pantawid Pamilyang Pilipino Programme

178. As of 31 March 2013, the total registered households (since the programme implementation in 2007) reached 3,967,517 or 104.14% of the 3,809,769 Sets 1–6 target households for 2013. As seen in figure 1 below, 3,901,017 households are covered by regular Pantawid Pamilya Programme while 66,500 are covered by Pantawid Modified Conditional Cash Transfer (MCCT).

Basic statistics on the implementation of the Pantawid Pamilyang Pilipino Programme

179. Geographic coverage: 1,627 cities and municipalities in 79 provinces of all 17 regions

Figure 1
Pantawid Pamilya Regular and Pantawid Pamilya MCCT Beneficiaries

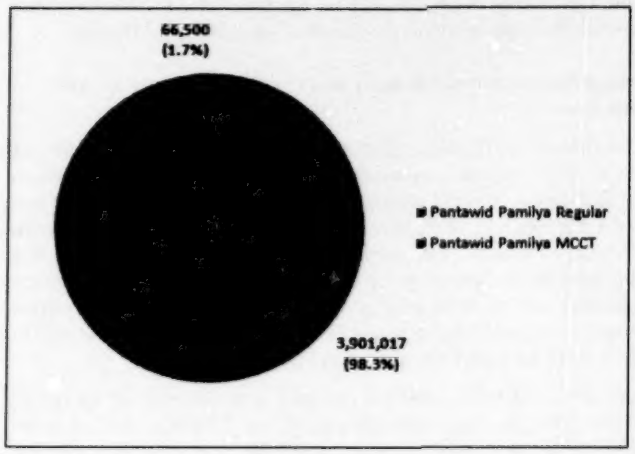


Figure 2
Ratio of Female to Male Heads of Pantawid Pamilya Beneficiary Households

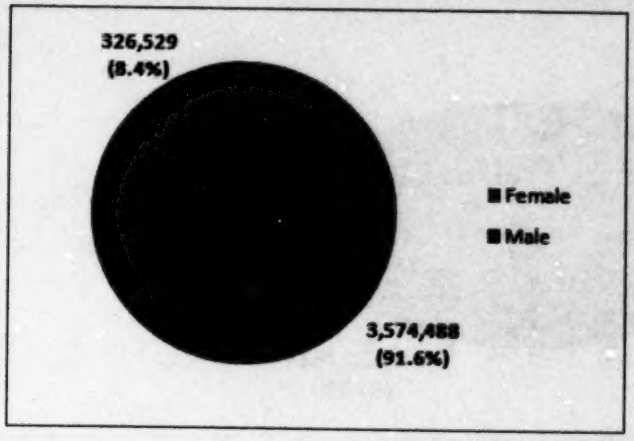


Figure 3
Pantawid Pamilya Children Beneficiaries by Age Group

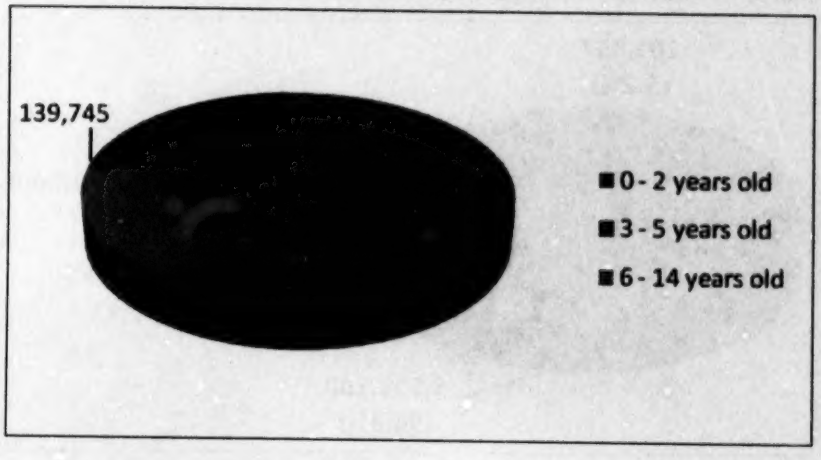


Figure 4
Number of Pantawid Pamilya IP and Non-IP Household Beneficiaries

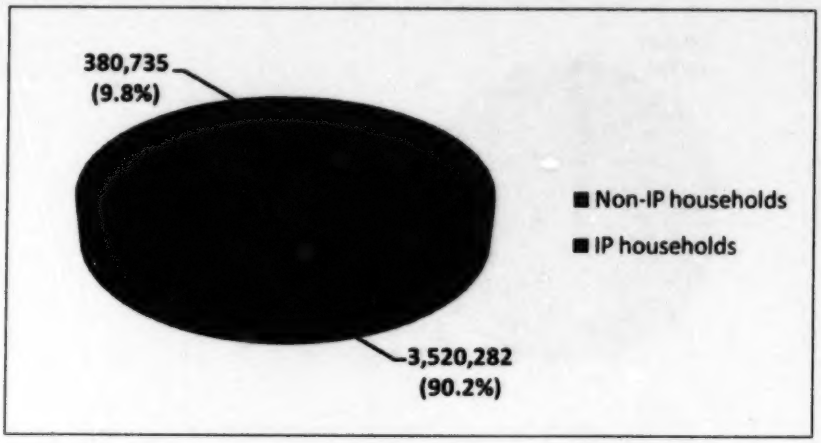


Figure 5
Number of Households with PWDs from Total Pantawid Pamilya Beneficiaries

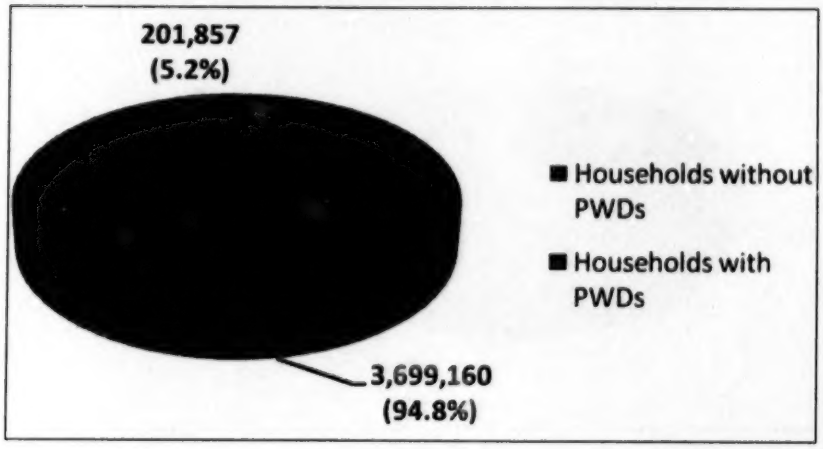
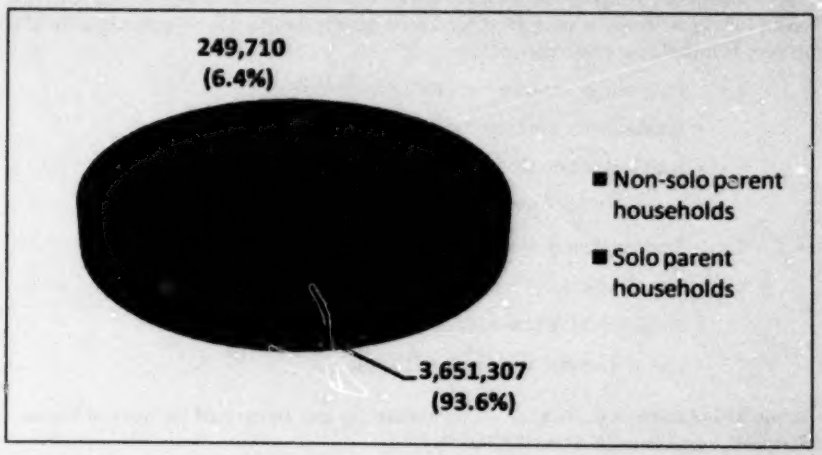


Figure 6
Number of Solo Parent Households from Total Pantawid Pamilya Beneficiaries



Key Findings of 2012 Programme Impact Evaluation

180. Based on the results of the Impact Evaluation conducted by the Word Bank released on 22 January 2013, the Programme is on track in meeting its key objectives, as follows:

(a) Child Education

1. Improves enrolment among poor children of:
   - Preschool/day-care age (3–5 years old, by 10.3 pp);
   - Elementary school age (6–11 years old, by 4.5 pp).
2. Improves attendance among poor children of:
   - Elementary school age (6–11 years old, by 3.8 pp);
   - High school age (12–14 years old, by 4.0 pp);
   - Tertiary school age (15–17 years old, by 7.6 pp).

(b) Child Health

1. Programme improves child nutrition among the poor by:
   - Reducing severe stunting 6–36 month olds (by 10.1 pp);
   - (Achieved by switching to protein rich foods such as eggs and fish).
2. Programme improves use of child health services among the poor:
   - Attending regular weighing 0–5 year olds (by 15 pp);
   - Receive deworming pills 0–5 year olds (by 6.7 pp);
   - Receive Vitamin A 0–5 year olds (by 6.2 pp);
   - Receive deworming pills 6–14 year olds (by 4 pp).

(c) Grants

181. Grants are reaching the intended poor beneficiary households who are receiving about 11% of per capita consumption per day (originally designed to be approximately 23% of poor household per capita income).

1. Programme increases household investments in:
   - Education per capita by 34%;
   - Health expenditures by 38%;
   - Improves PhilHealth Coverage by 10.8 pp.
2. Programme improves use of maternal health services among the poor:
   - Use of Antenatal Care services (by 10.5 pp);
   - Frequency of Antenatal Care services (by 0.6 times);
   - Use of Postnatal care services (10 pp).

Kapit-Bisig Laban sa Kahirapan – Comprehensive and Integrated Delivery of Social Services programme (KALAHI-CIDSS)

182. KALAHI-CIDSS is a community demand-driven development project that aims to improve the quality of life of its beneficiaries through development of their capacity to design, implement and manage local development activities that reduce poverty and strengthen their participation in local governance.

183. It allows communities to select, propose, and plan barangay or inter-barangay level projects through participatory planning and strong social preparation. Project activities include small scale infrastructure, social and economic activities.

KC – Additional Financing

184. As of first Quarter of 2013, since project implementation, the Project has already covered 4,058 barangays in 176 municipalities located in the 27 poorest provinces

(a) Social Preparation, Capacity Building and Implementation Support Activities

1. Operating in 2,414 barangays in 99 municipalities. Of the 153 municipalities covered in 2012, 53 have already completed field operation;

2. Participation in barangay assemblies ranges from 69% to 75%; high participation from women.

(b) Provision of Community Grants/Seed Funding for Community Implementation of their Sub-Projects

185. As of the end of March 2013, KCAF has funded a total of 2,209 community sub-projects, with a total estimated cost of Php 2.5 billion. These sub-projects will benefit approximately 503,945 households in 2,283 barangays. Of the total funded, 1,425 (65%) are already completed amounting to Php 1.5 billion, benefiting 364,999 households.

186. Major sub-project types funded and the percentages of the total KCAF grant allocated on each type:

1. Basic social services: community water systems, school buildings, day-care centres, barangay health stations, electrification, and tribal housing/shelter (48.59%);

2. Basic access infrastructure: access roads, small bridges/footbridges and access trails (34.08%);

3. Community production, economic support and common services facilities: community economic enterprise training, equipment and materials support sub-projects, pre- and post-harvest and multi-purpose facilities, and small scale irrigation (4.98%);

4. Environmental protection and conservation: drainage, river/flood control, sea wall, artificial coral reef sanctuary and sanitation facilities (12.30%);

5. Others (0.04%).

KC – Millennium Challenge Corporation

187. As of first Quarter of 2013, the project is currently operating in 152 municipalities comprised of 3,535 barangays.

(a) *Social Preparation, Capacity Building and Implementation Support Activities*

1. Batch 2 or the newly launched 70 randomly selected municipalities are currently undertaking the initial activities of Sub-project Implementation Phase.

2. Participation in barangay assemblies in all cycles ranges from 51% to 89% wherein there is high participation rate from women (6% to 65%). On Community volunteers, 47% to 58% is the range of women participation rate while 42% to 53% for men.

(b) *Provision of Community Grants/Seed Funding for Community Implementation of their Sub-Projects*

188. As of this quarter, the municipal/barangay local government units have prioritized 1,587 sub-projects (SPs) to be funded by KC-MCC grant. A total of 809 sub-projects were completed. These SPs will benefit approximately 244,444 households in 1,621 barangays.

(c) *Major sub-project types funded and the percentages of the total KCAF grant allocated on each type*

1. Basic social services: community water systems, school buildings, day-care centres, barangay health stations, electrification, and tribal housing/shelter (42%);

2. Basic access infrastructure: access roads, small bridges/footbridges and access trails (37%);

3. Community production, economic support and common services facilities: community economic enterprise training, equipment and materials support sub-projects, pre- and post-harvest and multi-purpose facilities, and small scale irrigation (5%);

4. Environmental protection and conservation: drainage, river/flood control, sea wall, artificial coral reef sanctuary and sanitation facilities (16%).

Sustainable Livelihood Programme (SLP)

189. The Sustainable Livelihood Programme is a community-based programme. It aims to improve the socioeconomic capacity of the poor through a capacity building programme that will develop the entrepreneurial and technical skills of the poor households identified through the National Household Targeting System for Poverty Reduction (NHTS-PR) by enabling them to manage sustainable micro enterprises and linking them to locally-available jobs in order to enhance their access to basic social services and their standard of living.

190. Multiple income sources under the SLP can be accessed through the two-tracks: (a) the Micro enterprise Development Track thru SEA-K, and (b) the Employment Facilitation Track.

191. As of March 2013, a total of 203,026 poor households were served through the Sustainable Livelihood Programme. An estimated 82% or 165,583 of the total households served are Pantawid Pamilya beneficiaries while the remaining 18% or 37,443 are Non-Pantawid households. Out of the total number of household served, 60,816 were served for the first quarter of 2013. A total of 98 per cent of the beneficiaries were assisted under the ME Development Track while 2% were given access to jobs thru employment Facilitation Track. The participants were provided capital assistance to start and manage a sustainable micro-enterprise and referred for employment through linkages with various partner agencies and institutions.

Micro-Enterprise Development

192. To date a total of 198,392 households have participated in various micro-enterprise development activities, of which 160,949 are Pantawid Pamilya households and 37,443 are non-Pantawid Pamilya households. A total of 78 per cent or 154,831 households served under the ME Track were provided financial capital through the SEA-K, 30,114 or 15% were referred to and funded by partner Micro Financing Institutions (MFIs) while the remaining 7% or 13,447 were self-funded.

(a) Beneficiaries

1. Pantawid Pamilya Households

193. To date, a total of 117,388 households were provided with capital assistance amounting to Php 912,864,516. Out of the 19,064 households were served on the first quarter of 2013 amounting to a total of PhP159,611,527 capital assistance.

2. Non-Pantawid Pamilya Households

194. To date, a total of 37,443 Non-Pantawid households were provided with capital assistance amounting to PhP298,824,107. Out of this, 3,674 households were served and provided capital assistance on the first quarter of 2013 amounting to PhP21,273,250.

(b) Benefited through funds of MFIs

195. To date, a total of 30,114 households were referred to and funded by MFIs and other formal lending institutions.

(c) Benefited from DSWD skills enhancement training

196. In Field Office CARAGA, a total of 13,447 Pantawid Pamilya households opted for non-financial assistance from the Department and were provided with skills-enhancement training on farming and production.

Employment Facilitation

197. A total of 4,634 beneficiaries were employed as of March 2013. The beneficiaries ware provided guaranteed employment by the various public and private partners of DSWD.

198. Other strategies of the Department on poverty reduction ensuring full integration of socioeconomic rights of the vulnerable sectors include:

Social Pension Programme

199. Social pension is a financial assistance being provided to indigent senior citizens. This assistance entitles the indigent senior citizens to a monthly stipend amounting to Php500.00 to augment their daily subsistence and other medical needs.

200. In calendar year (CY) 2012, the DSWD has disbursed a total of Php 90, 500, 500.00 to 181,001 indigent senior citizens aged 77 years and above.

Table 14
Number of Social Pension Target Beneficiaries and Actual Served from 2011 to 2012

Year	*Targets*	*Accomplishments*
2011	138,960	134,417 (96.74%)
2012	185,914	181,001 (97.35%)

Supplementary Feeding

201. The DSWD is implementing the Supplementary Feeding Programme (SFP) through its centre-based and community-based services to enhance the food intake of children aged 3–12. Supplementary food is being provided to children attending day care sessions and supervised neighbourhood play in addition to regular meals they received from home. The supplemental hot meals are served during snack/meal time to children beneficiaries five days a week for 120 days.

202. SFP provide augmentation support for feeding programme of children in local government unit-managed DCCs/SNP areas and communities using indigenous foods and/or locally processed foods equivalent to 1/3 of Recommended Energy and Nutrient Intake (RENI); improve knowledge, attitude and practices of children, parents and caregivers through intensified nutrition and health education; and improve and sustain the nutritional status of all the targeted children.

203. For calendar year (CY) 2012, a total of 1,552,258 children were fed in 43,003 day care centres in 1,230 cities/municipalities. It amounted to a total of Php 2,378,030,435,515.42.

Initiatives to Promote Adequate Housing

204. The need for resources to address the housing need is huge and government appropriation for housing has been limited. This year, housing allocation is only about 1.16% of the national budget or only 23.2 billion pesos. While still small vis-à-vis the need, this is by far the highest budget given to the sector. These include budget for resettlement of informal settler families (ISFs) in danger areas, particularly those in Metro Manila (P10B annually until 2016), and housing for the low-income members of the Armed Forces of the Philippines, the Philippine National Police and other government agencies.

205. The Philippine Government implemented the following asset reform programmes to address the housing requirements of informal settlers:

- *Community Mortgage Programme (CMP)* is designed to facilitate access by low-income groups to land and credit. It is a mortgage financing programme of the Social Housing Finance Corporation (SHFC) which assists legally organized associations of underprivileged and homeless citizens to purchase and develop a tract of land under the concept of community ownership. For the period 2009–2012, a total of 42,293 landless families have been provided with financial assistance amounting to P1.725 billion for land acquisition under the CMP;

- *Proclamation* – This involves the declaration of government lands occupied by informal settlers as socialized housing sites for disposition to qualified beneficiaries.

206. Since 2001, the President has issued a total of 116 Presidential Proclamations with a total land area of 27,284 hectares, benefiting 271,505 households.

207. The objective of the Presidential Proclamation Programme is to provide security of tenure to informal settler beneficiaries. The Certificate of Eligibility for Lot Award (CELA) is an instrument issued by Housing and Urban Development Coordinating Council (HUDCC) to qualified ISF beneficiaries and is considered as proof of tenure security pending the issuance of a land title which the beneficiaries can only receive upon full payment of the awarded lot, and which can take years, depending on the beneficiaries' affordability.

- *Resettlement Programme* involves land acquisition and site development by the National Housing Authority to generate serviced home lots for families displaced from sites earmarked for government infrastructure projects, those occupying danger areas such as water ways, esteros, railroad tracks and those qualified for relocation and resettlement assistance under R.A. No. 7279 or the Urban Development and Housing Act of 1992 (UDHA).

208. From 2009 to 2012, a total of 100,285 households have been provided with serviced home lots and core housing under the Resettlement programme amounting to 24.513 billion pesos.

209. To ensure acceptability of resettlement areas, the housing sector has adopted the following measures:

(a) Adoption of beneficiary-led approach in selecting and developing resettlement sites;

(b) Adoption of an in-city/in-town relocation approach to minimize dislocation, whenever feasible;

(c) Provision of basic facilities such as schools, potable water and electricity in the relocation site; and

(d) Institutionalization of Project/Local Inter-Agency Committees composed of local chief executives, concerned government agencies, non-governmental organizations, people's organizations and community associations to formulate the Implementing Rules and Regulations that will govern and oversee relocation activities.

210. Continued the implementation of Section 18 of RA 7279 which provides that the developers of proposed subdivision projects should provide 20% of the lot area or project cost for socialized housing through any of the following modes:

(a) *New Settlement through*: (a) joint venture project of developer with its subsidiary or with other Housing and Land Use Regulatory Board (HLURB) – Accredited housing developers for production of new socialized housing; (b) contribution of the developer in new socialized housing projects of HLURB-accredited non-governmental organizations; and (c) provision of educational facilities, health facilities, productivity/livelihood centres and other basic amenities and facilities as provided in Sections 21 and 22 of RA 7279 in socialized housing projects;

(b) *Slum Upgrading* or renewal of areas for priority development either through zonal improvement programmes or slum improvement and resettlement programmes of NHA;

(c) *Community Mortgage Programme* – the developer may provide a parcel of land to a CMP project, provide or develop a right-of-way or road access as well as transport lines, provide or upgrade amenities or facilities in CMP sites;

(d) *Joint Venture Projects* with either the local government units or any of the housing agencies through the (a) development of socialized housing or resettlement project or takeover by HLURB of the development of the housing projects; (b) purchase of socialized housing bonds approved by HLURB; (c) rehabilitation of non-performing socialized housing assets; (d) provision of educational facilities, health facilities, productivity/livelihood centres and other basic amenities and facilities as provided in Sections 21 and 22 of RA 7279 in socialized housing projects.

211. From 2009–2012, the HLURB has issued 830,547 licenses to sell to socialized housing projects in compliance with Section 18 of RA 7279. HLURB has also provided technical assistance to local government units in the preparation of CLUPs, and as of March 2013, 1448 out of 1,635 local government units have approved CLUPs. HLURB has also mainstreamed Disaster Risk Reduction and Climate Change Adaptation in the CLUP and Local Shelter Plans.

212. In ensuring the effective implementation of Republic Act 7279 or otherwise known as the Urban Development and Housing Act of 1992, all the government agencies tasked within the law formulated a mechanism prohibiting illegal or forced demolition and evictions affecting the underprivileged and homeless families. Further, DILG sent directives to the PNP requiring a Pre-Demolition Conference prior provision of police assistance as stated under Section 28 of RA 7279 and requested Presidential Commission for the Urban Poor (PCUP) to preside over the conference.

213. As to the reinforcing of the PCUP mandate as the sole clearing house for the conduct of demolition and eviction under Executive Order No. 152 (s. 1992), this was amended by Executive Order No. 708 (s. 2008) devolving the function of the Presidential Commission for the Urban Poor as the clearing house for the conduct of demolition and eviction activities involving the homeless and underprivileged citizens to the respective local government units having territorial jurisdiction over the proposed demolition and eviction activities of government agencies. However, PCUP continued with its monitoring and reporting functions, as well as those powers and functions enumerated in Section 1 of Executive Order No. 152 (s. 2002).

214. As to the concluding observation to "Undertake open, participatory and meaningful consultations with affected residents and communities prior to implementing development and urban renewal projects," the President signed on March 29, 2012 the Executive Order No. 69 "Strengthening Presidential Commission for the Urban Poor" wherein the Commission together with other agencies (HUDCC, DSWD, DOJ, DILG, NAPC and CHR) jointly formulates the rules and regulations to ensure strict compliance with Section 28 of RA 7279.

215. Moreover, PCUP is mandated under Executive Order No. 69 to conduct social preparation activities on government projects through the Local Inter-Agencies (LIACs) created within local government units. Included in these activities are adequate consultation, information dissemination and capability building among others.

216. In response to the emerging need of relocation or resettlement for the displaced families brought about by countless forced evictions, whether affected by court ordered demolition or administrative demolition, which PCUP had knowledge about, are being endorsed to their respective local government units and to National Housing Authority (NHA) for immediate relocation or financial assistance. However, the unavailability of funds that can be utilized as resettlement assistance for these "unprogrammed" circumstance have prevented local government units and the NHA from providing adequate

and decent relocation at the prescribed period specified under the law (National Urban Poor Summit Results, 2012).

217. Thus, PCUP was able to source out fund from the Office of the President through its Presidential Social Fund (PSF) to provide the affected families financial assistance through the Emergency Land Acquisition for Victims of Eviction and Demolition (ELAVED) Programme which started in 2008. Presently, PCUP is proposing for another funding to answer the tenurial security of the underprivileged and homeless families affected by this kind of circumstances.

218. Since PCUP is mandated under Executive Order No. 82 (s. 1986) to evaluate post and on-going shelter-related projects of the Government in resettlement areas in consultation with beneficiary communities, it can be guaranteed that basic services and adequate facilities are provided to the affected families before resettlement takes place.

VII. Information under article 12 of the Covenant

On the right to the highest attainable standard of health

219. The *Universal Health Care (UHC) or the Kalusugan Pangkalahatan (KP)* is the Government's strategy to improve access to affordable and quality health care to all Filipinos, especially the poor. Its achievement hinges on the country accountability framework that include universal social health insurance coverage of the poor, health facility enhancement to ensure better access to hospitals and primary level facilities providing high quality service and attainment of the health-related MDGs. All public health programmes are implemented in the context of this thrust ensuring that all Filipinos have *access to quality care* by *reducing financial burden of the poor* through universal health insurance coverage – this is guaranteed by a 100% subsidized enrolment of poor families to the PhilHealth Sponsored Programme. This action is viewed to boost the country towards accomplishing the MDGs.

On sexual and reproductive rights of women and girls

220. The policy on *Implementing Health Reforms to Rapidly Reduce Maternal and Newborn Mortality* calls for planned and wanted pregnancies and facility delivery. This shall cause substantial reductions in maternal mortality ratios and under-five mortality by 2015. The focus is on making pregnancy and childbirth safer and changing fundamental societal dynamics that influence decision making on matters related to pregnancy and childbirth while it brings quality emergency obstetrics and newborn care to the 252 tertiary and secondary level facilities and 1,824 primary level facilities that are nearest to homes. This move ensures that those most in need of quality health care by competent doctors, nurses and midwives have easy access to such care.

221. The Philippine Congress enacted Republic Act no. 10354, otherwise known as the "Responsible Parenthood and Reproductive Health Act". The RPRH Law empowers the DOH and local government units to implement all the important elements of reproductive health (RH) under the UHC and ensure that RH becomes universally accessible.

222. With regard to the *Pantawid Pamilyang Pilipino Programme*, the conditionalities have been among the facilitating mechanisms ensuring the protection of the sexual and reproductive rights of poor and marginalized Filipino women as follows:

(a) Pregnant women to avail pre-natal and post-natal cares, and during childbirth allow a trained health professional or birth attendant to attend to her

223. The Pantawid Pamilya conditionalities include pregnant women must avail pre-natal and post-natal cares, and during childbirth allow a trained health professional or birth attendant to attend to her. A cash grant/s of Php 6,000 a year or Php 500 per month per household for health and nutrition expenses is allocated for said beneficiaries.

224. The institutionalization of said grant has increased the number of women getting prenatal and postnatal health care treatments based on an impact evaluation conducted by the World Bank released on 23 January 2013.

(b) Attendance to Family Development Sessions (FDS)

225. Also, attending to FDS is another Pantawid Pamilya conditionalities. The FDS adopts adult learning methodologies aimed at empowering and nurturing families through the conduct of neighbourhood-based family education activities for household grantees.

226. A modular guide on the FDS was developed to guide the City/Municipal Link, Local Government Unit Link and inter-municipal partners in the conduct of the session. Topics discussed in the family development sessions include *Understanding Oneself as a Person and as a Parent*, *Parenting Roles and Duties*, *Laws on Parenting*, *Rights and Duties of Parents and Children*, *Health and Nutrition*, *Home Management*, and *Gender Development*, among others. FDS ensures the awareness, the understanding and the appreciation of gender equality and women empowerment. Sessions on aforementioned topics inject the importance of the equal role vis-a-vis right of women and men in building a family and a community towards a developed society. The Gender Sensitivity Training which is part of the FDS particularly raises awareness among beneficiaries on gender issues, and laws addressing women concerns i.e., the Magna Carta for Women.

227. The FDS is conducted at least two hours once a month. It is conducted in areas and venues accessible and will not require transportation expenses to household beneficiaries to ensure attendance and timeliness of the household beneficiaries.

228. On abortion issues, abortion is absolutely illegal in the country.